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CIVIL GOVERNMENT

OF

VIRGINIA

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THE CIVIL GOVERNMENT OF VIRGINIA

FOR THE USE OF SCHOOLS

BY

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CIVIL GOV'T OF VIRGINIA.

W. P. I

To My Sister

ESTELLE SMITHEY

I DEDICATE THIS BOOK

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PREFACE

THIS volume has been prepared to meet a growing demand for a text-book on the Civil Government of Virginia suitable for school use. It contains an outline of the entire state system, presented with sufficient fullness, it is hoped, to give a clear idea of the structure and workings of the government in all its departments. Chapters on the Public School System, Taxation, Elections, and Political Parties have been added, and the relations between the state and the nation have been clearly brought out. Technical terms have been avoided as far as possible, and explanations have been given of those rendered necessary by the nature of the subject.

To make Civil Government interesting it must be made real. This can best be done by encouraging students to verify as far as possible the statements made in a text-book, by examining the actual workings of local government in their vicinity. As a help in this direction a few suggestive questions have been placed at the beginning of each chapter that treats directly of the operations of the government. If the teacher, before assigning a topic for study, will ask these and

similar questions, students will be led to realize that government is not something entirely dissociated from themselves, but that its operations are taking place all around them. At the close of each chapter will be found questions which cover all important points.

My thanks are due to Overton Howard, Esq., of Richmond, for helpful suggestions in regard to court procedure, and to Colonel Morton Marye, Hill Carter, Hon. Geo. S. Shackelford, Judge E. D. Newman, and E. L. C. Scott for valuable criticisms upon parts of the manuscript.

This book is sent forth with the hope that it will cause the youth of Virginia to appreciate more fully the duties and responsibilities that will soon rest upon them as citizens, and thus aid them in becoming worthy successors of the men of the past, to whose virtue and knowledge the greatness of the state has been so largely due.

R. B. SMITHEY.

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CIVIL GOVERNMENT OF VIRGINIA



CHAPTER I

INTRODUCTION

Preparatory Work.—Are men who live with neighbors about them free to do anything they like? What prevents one farmer from gathering the crops on all fields near him? Why are fences put up between farms? Why is it not right for a man who needs a horse to take any one he can find? Do neighbors always live together peacefully? When there are strong differences, who settles questions between them? Could neighbors live comfortably together if every one did exactly as he pleased, without regard to the rights and wishes of others? Then there is some limit to our freedom? What is that limit called? Why do we have laws? By whom are our laws made? Do you know any one who has helped to make laws for this state? What is his name? Who gave him the right to make laws for other people?

Society.—A number of families living together in a community, where all have the same general interest, constitutes what is known as society. The aggregation of families needed to form society takes place in obedience to a natural impulse; for human beings are so constituted that they need help and sympathy, which they can obtain only by association with their fellows.

Rights.—In a family no member can be allowed to carry out his own wishes regardless of others. The

same is true in a larger sense of society. No individual can be permitted to do everything he may choose; for justice demands that the needs and the desires of all should be considered. Hence, in any organized society, there is need of some agreement as to rights belonging to all.

Different Kinds of Rights. — Rights may be classified as follows:—

1. Civil Rights, which are those belonging to persons as citizens of a country, such as the rights of personal liberty, of personal security, and of private property.

2. Political Rights, such as the rights of voting, of holding office, and of taking part in matters that relate to the whole people.

3. Religious Rights, which consist of the rights of worshiping God according to the dictates of conscience and in any manner that may be preferred.

Duties. — With rights originate duties, which are things men ought to do. Every right, whether it refers to an individual or to society, involves a duty; and there is no duty that does not have relation to a right. Duties are of many kinds; but, generally speaking, they may be classified as duties to ourselves, duties to others, and duties to God.

Origin of Government. — Government begins in the family, and civil government is but an extension of family government to meet the needs of society. The development of government takes place in a natural way. Rights are valued by men more highly than any other possessions; and, after they have been

recognized, it becomes necessary for society to insure the possibility of their exercise. Otherwise, the strong would impose on the weak, and the unscrupulous take advantage of the conscientious. So, to enforce the observance of rights, society provides what is called government, which may be defined as "the directing or managing of such affairs as concern all the people alike." Thus government is the agent of society, and is not needed, except in a limited way in the family, till society exists.

Forms of Government. — From very early times government has been divided into three forms: —

1. Monarchy, the form in which the supreme authority is vested in one person. Turkey is an example of an absolute monarchy, the sultan having unlimited power over both the property and the lives of his subjects.

2. Aristocracy, the form in which the governing power is intrusted to a select class supposed to be specially qualified for its exercise. During the Middle Ages, Venice was governed in this way, but at the present time no government is a pure aristocracy, although in some countries there are privileged classes that have a hereditary share in the government, as, for example, the nobility in England.

3. Democracy, the form in which the sovereign power is retained by the people.

A Republic. — A republic is a representative democracy; that is, it is a government carried on by the people, not directly, but through representatives whom they elect. If the people select their representatives wisely, they can secure their liberties and promote their

general welfare better under a republican form of government than under any other kind.

A Nation. — A body of people occupying a given territory, enjoying complete sovereignty, and guarding its rights and liberties is called a nation or a state. In our country, the word *state* has a peculiar meaning, signifying one of the commonwealths whose union forms the United States. Each of these states occupies a well-defined territory and has a government sanctioned by a constitution which was made by the people.

A Constitution. — A constitution may be defined as a contract which expresses the terms by which the people of a state agree to be governed. After a constitution has been adopted, all laws subsequently enacted must conform to this constitution, which is for this reason called the fundamental law.

Laws. — It is necessary for a government, in executing its functions, to lay down rules to regulate the social actions of men, and these rules are called laws. The laws found in a constitution, called constitutional laws, are the most permanent, while those passed by the legislature of a state, known as statute laws, are more easily changed.

Three Departments of Government. — The powers of government can be exercised in three ways, — in making laws, in construing them, and in executing them. The objects of government are best attained when these three functions of government are kept separate; that is, when one set of men makes the laws, when a second set decides controversies under them, and when a third set executes or carries them into effect.

The United States. — The United States is a republic made up of a number of states, each one of which is itself a republic. A republic of republics, then, the nation is. Each of the constituent states has delegated to the United States powers which belong to a nation in its relations with foreign countries, and also such as are necessary to make laws for the whole country. But all powers which the state has not surrendered, it has retained, and so exerts over its citizens an authority which is its own. Hence, as strictly national powers are wielded by the nation and local ones by the states, the United States is dual in its government, and so is called a Federal Republic.

Two Allegiances. — As Virginia is one of the states composing the Federal Union, her citizens owe two allegiances, one to Virginia and the other to the United States. Each government is supreme in its own sphere, and there is no conflict between the two. Generally speaking, the United States has jurisdiction in all matters that affect its relations with foreign nations, also coins money, issues patents, and makes laws in regard to commerce, which apply to the whole country, while Virginia has exclusive control over the actions of her own citizens as long as they are in her territory, and also over their rights of property.

QUESTIONS

1. What constitutes society, taken collectively?
2. Why is it necessary to have rights defined and respected?
3. Give the three kinds of rights, with their respective definitions.
4. What are duties, and how are they classified?

5. What is the origin of government, and how is government developed?
6. Name the three forms of government, and define each.
7. Define a nation.
8. What is a constitution, and why is it called a fundamental law?
9. What are laws, and why are they necessary?
10. In what three ways are the powers of government exercised?
11. What is the form of the government of the United States?
12. What powers has each of the states surrendered to the United States, and what powers does each retain?
13. To what two governments do the Virginians owe allegiance?
14. What is the sphere of each?

CHAPTER II

THE COUNTY

Preparatory Work.—What is the name of the county in which you live? Who is the judge of the county court, and what are his duties? Who is the sheriff, and what are his duties? What officer collects the taxes of your county? Who is the treasurer of your county, and what are his duties? What is the name of your magisterial district? Give the name of the justice of the peace living in your neighborhood. Who are the other officers in your district? What becomes of poor people who are unable to support themselves? What public buildings does your county own?

Origin of the County.—In the early days of English history, the land occupied by a tribe and ruled over by a petty king was called a shire, the Anglo-Saxon word *shire* meaning division. But after the Norman conquest, the name for shire was changed to *county*, which on the continent of Europe comprised a division of land originally bestowed by a king upon a count or companion. These little shires or counties were the units which, when united, made the English nation.

The Virginia County.—The old Virginia county was a copy of its English prototype. As early as 1634, the colony was divided into eight shires, called James City, Henrico, Charles City, Elizabeth City, Warwick River, Warrasqueake, Charles River, and Accomac, which took their names from settlements embraced in

them. The name *county* first appears in the Virginia laws in 1639. No system of public survey was followed in creating new counties, but they were formed by uniting a number of adjoining plantations as convenience dictated. The state now contains one hundred counties, some of which have Indian names, such as Powhatan, Nottoway, Accomac, but most of them derive their designations from distinguished men who have lived in Virginia, a number of whom were colonial governors. New counties may be formed by the General Assembly by taking territory from one or more old ones; but no new county can be formed with an area of less than six hundred square miles, nor can any of the existing counties be reduced to an area below this for the purpose of making new ones.

Importance of the County. — Early in Virginia history, the county became the unit of local government, just as the township did in New England, and it remains to-day the foundation of all local order and government. Each county is now divided into three or more magisterial districts, and each magisterial district into school districts. Every county is a corporation,¹ and can exercise any legal powers that belong to it as such. It may, for example, sue and be sued, own property, and

¹ A corporation is an association of persons authorized by law to carry on business under a common name, and as a single person. Authority to act in this way is given by law to the people of a county, town, or city, who can buy, own, and sell property, and can, like individuals, sue and be sued. Counties, towns, and cities are called public corporations because they are organized for purposes of government, while such corporations as banks, manufacturing companies, railroad companies, etc., are called private corporations.

enter into contracts. The county is subordinate to the state, but it is allowed by the state to exercise powers of local government that are of the highest importance. We begin, therefore, the study of state government with the county, since it is the political corporation of lowest order that has governing powers.

Functions of County Government. — The county constructs roads, builds bridges, provides jails and poor-houses, looks after education, and in general takes oversight of all local matters. These are its chief functions.

The County Seat. — For the county^s seat a village or town is usually selected which can be reached with convenience from different parts of the county. Here the courthouse and jail are located, and the principal county officials keep their offices. It has long been the custom for people of all classes to meet at the county seat on court days, for the transaction of business both public and private. On these occasions debts are settled, business engagements entered into, property bought and sold, and, if an election is near, much stump speaking and political discussion take place.

County and District Officers. — The county officers elected by the people are a sheriff, an attorney for the commonwealth, a clerk, a treasurer, and one or more commissioners of the revenue. Each of these officers serves for a term of four years, except the county clerk, who holds his office for six years. In addition to the above-named officers, each county has also a surveyor, a superintendent of the poor, and one or more coroners;

a superintendent of schools, and a judge of the county court, who are not elected by the people, but are appointed by properly constituted authorities. Their terms of service and the method of their appointment will be given when the duties of each are stated.

In each magisterial district, one supervisor, three justices of the peace, one constable, and one overseer of the poor are elected by the people, each for a term of two years.

Qualifying for Office. — Each of the county and district officers is required, when he qualifies for office, to take an oath that he will faithfully discharge his duties, and also an oath that he has not fought and will not fight a duel. All officers except the commonwealth's attorney, the justice of the peace, and the county judge have to give bonds, with security, to insure their fidelity.

Vacancies. — When vacancies occur in county or district offices, the county court fills them temporarily till they can be filled by the people at the next general election. A vacancy in the clerkship of the circuit court, when the duties of the office are not discharged by the clerk of the county court, is filled by the circuit court. If the office of county judge becomes vacant, the governor is authorized to designate a judge of any other county court, to hold the regular terms of the county court, in which the vacancy exists, till it can be filled by the General Assembly. As a rule, with hardly an exception, officials must reside within the limits of their jurisdiction.

Board of Supervisors. — Each county is a corporation, that is, it has the power to act as an individual, but like all corporations, it must act through agents. The principal agent of the county is the board of supervisors, which is composed of all the district supervisors. This board meets annually at the courthouse on the fourth Monday in July, and holds also monthly meetings. One of the supervisors is elected chairman, and the clerk of the county is *ex-officio*¹ clerk of the board. As the agent of the county, this body has many important duties to discharge, some of which are legislative and some executive in character. Its chief functions are to examine all the claims that are brought against the county, to allow such as are correct, and to issue warrants² on the treasurer for their payment, to audit the accounts of all officers who receive and pay out money belonging to the county, to examine the books of the commissioners of the revenue, to regulate and equalize the valuation of property, to determine the amount of money to be raised by taxation for the government of the county, and to order the annual tax levies to raise it. The board prescribes rules and plans for repairing roads and bridges, and in the months of April and October of each year makes a personal inspection of all dams and rivers. It is empowered, within limits prescribed by law, to levy school taxes, to borrow money for the county to aid in carrying on works of internal improvement, and to levy taxes on

¹ By virtue of his office.

² A warrant, in this sense, is a written order on the treasurer for money.

the people to meet the debt thus incurred. The board provides the courthouse, clerk's office, jail, and farm for the reception of the poor, and it has charge of all county property, except the courthouse, which is under the supervision of the judge of the county court. It represents the county in suits at law, and in general has the management of the business interests of the county in all cases where no other provision is made. It furnishes ballot boxes for the voting places, has authority to have a true meridian run at some central and accessible place in the county, and can establish a hospital, if one is needed. This board may also abolish the fence law of the state in its own county or in any part of it.

The Treasurer. — The treasurer receives all money that is paid into the county treasury, and disburses it in the manner prescribed by law. All county, state, and school funds come into his hands. The county money he pays out upon warrants issued by the board of supervisors, and settles his accounts with the county at the July meeting of the board, or as soon thereafter as possible.

The money belonging to the state he transmits to the state treasury, and settles with the auditor in regard to what he has received on account of the state. The school money he pays out upon warrants issued by the proper school authorities. He is not allowed to speculate in county warrants, nor to use or lend county money.

The Surveyor. — Each county has a surveyor, who is appointed for a term of four years by the county court

judge, upon the recommendation of the board of supervisors. He makes all surveys ordered by the courts, and also surveys land privately for persons who pay him fees established by law. In making surveys, he is required to measure all lines horizontally, and to give the magnetic variation.

The Superintendent and Overseers of the Poor. —

The superintendent of the poor is appointed by the county court judge, upon the recommendation of the board of supervisors, and holds his office for a term of four years. He has charge of the county poorhouse, or place of general reception of the poor, where he receives such paupers as are sent to him by the overseers of the poor from the several magisterial districts of the county, and cares for them in the manner provided by law. His salary is fixed by the board of supervisors within limits prescribed by law; and every year, at the July meeting of the board, he is required to make a report, giving a full account of his transactions.

The overseer of the poor in each magisterial district looks after persons unable to support themselves, giving assistance to some at their homes, and having others sent to the poorhouse.

The Coroner. — There are in every county one or more coroners who are appointed by the judge of the county court, and who may hold office for two years. The coroner's chief duty is to investigate the cause of the death of any person who is supposed to have died by violence and not by casualty. When a death takes place under circumstances that demand an investigation, the coroner is notified, and he institutes an examination.

He summons a jury of six men, as well as witnesses and physicians, if needed. If the jury, after all the circumstances have been investigated, accuses any one, the coroner is required to arrest that person and commit him to prison.

If the sheriff is disqualified, or if the office becomes vacant, the coroner acts in his place.

Commissioner of the Revenue. — It is the duty of the commissioner of the revenue to make annually a list of the names of all persons in his district liable to taxation, together with the estimated value of the property of each person. Each taxpayer is required by law to furnish to the commissioner of the revenue a list of all his taxable personal property, moneys, etc., so that his taxes can be correctly estimated. The commissioner issues also to any person who pays the fees prescribed by law, a license to engage in any business, employment, or profession upon which a tax is placed. He likewise collects, while discharging his duties in connection with taxation, statistics of births and deaths that have taken place, and information in regard to ex-Confederate soldiers and sailors. These statistics are filed in the office of the clerk of the county.

Justice of the Peace. — It is the duty of the justice of the peace to preserve the public peace, and therefore to bind over such persons as threaten to break it; to suppress riots, to issue warrants¹ for the arrest of persons who violate the laws or are accused of committing

¹ A warrant, as the term is used here, is a written order issued by a justice, authorizing an officer to make an arrest, a seizure, or a search, or do other acts incident to the administration of justice.

crimes, to issue search warrants for stolen property, counterfeit coins, etc. He issues warrants for the removal of paupers to the poorhouse, and acts in the place of the coroner, when no coroner is available. He has authority also to administer oaths, and to take and certify acknowledgments of deeds and other legal documents. In addition to his other duties, he presides over the humblest court in the land, the jurisdiction of which will be explained in the chapter on courts.

The Constable. — The constable is a conservator of the peace, and he is the ministerial officer of the justice's court. He serves the summons, warrants, writs,¹ executions,² and other legal processes issued by the justice; arrests persons on criminal charges and upon demands of security of peace, and commits them to safe custody till he can bring them before a justice. He also summons juries to attend coroners' inquests.

The Sheriff. — The sheriff is an officer of great antiquity. Shire-reeve, steward of the shire, he was called in England, when the country was divided into shires; and, in the course of time, shire-reeve was changed into sheriff. He is the county's chief executive officer, and as such he has many important duties to perform. He has to attend the courts that meet in his county, and to execute and return their orders promptly. He executes, likewise, all sentences and judgments of the court. He sells personal property under execution, and carries into

¹ A writ is a written order issued by a court, directing something to be done in regard to a case or suit.

² An execution is the act of carrying into effect the final judgment of a court.

effect decrees¹ of court for the sale of property when special commissioners are not appointed. He administers on the estates of deceased persons, when no one else qualifies as administrator, and he cannot resign this trust when the court commits an estate to him. He is authorized by the state to seize the personal property of a taxpayer who refuses to pay his taxes, and sell it at auction. Out of the proceeds, he pays the delinquent taxes, and, if anything is left, he returns it to the former owner. The county jail and the prisoners confined in it are in his charge. If prisoners are threatened by violence from mobs, he must protect them. He has to arrest criminals, prevent crime, and preserve the peace of the county. He is assisted in his work by as many deputies as may be necessary, who are appointed by the county court upon his recommendation. But if in quelling riots, arresting offenders, etc., he needs more help than his deputies can give him, he may call to his aid as many men as he deems necessary. He may call upon the commander of any regiment in the county for soldiers to help him, or upon the governor for troops.

Commonwealth's Attorney.—This officer is elected by the people, to be the legal counsel of the county in cases at law, to which it is a party and which are tried before the county and circuit courts. He commences and prosecutes all cases in which the county is interested. He represents the county before the board of supervisors, looks after all debts due it, draws busi-

¹ A decree is a judgment or sentence of a court of equity.

ness contracts¹ for it, investigates claims that are brought against it, and in general acts for it in all legal matters. He prosecutes all criminal charges in his county and is the legal adviser of the county officers.

The Clerk. — The clerk of the county court is also clerk of the circuit court. But in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court. It is the duty of this officer to record, in books provided for the purpose, all legal papers required by law to be preserved, such as deeds,² mortgages,³ wills,⁴ appraisements of estates of deceased persons, inventories of property that comes into the hands of fiduciaries,⁵ and accounts of sales of property by fiduciaries, and reports of commissioner of accounts, showing what disposition fiduciaries have made of funds committed to their management by the courts. He records the proceedings of the county court, including its rulings,⁶ orders, and judgments; ⁷ issues marriage

¹ A contract is an agreement between two or more persons concerning something to be done, whereby both parties are bound to each other, or one is bound to the other.

² A deed of land is a writing by which the ownership of land is transferred to a purchaser.

³ A mortgage of land is a conveyance of lands by a debtor to a creditor as security for the payment of a debt, the mortgage becoming void when the debt is paid. Mortgages are also taken on personal property to secure the payment of debt. These are called chattel mortgages.

⁴ A will is a writing in which a person states what disposition he wishes made of his property after his death.

⁵ A fiduciary is a person who holds a thing in trust for another person.

⁶ A ruling is a decision or rule of a judge or a court, especially an oral decision, as in excluding evidence.

⁷ A judgment is a decision or sentence of the law, given by a court of justice or other competent tribunal, as the result of proceedings instituted for the redress of injury.

licenses, and registers marriages, births, and deaths. He also makes up the dockets of the circuit court, and records all its decrees and orders, unless this court has a clerk of its own. Since in Virginia judgments have to be docketed in the office of the clerk of the county, in order to bind the lands of the judgment debtor, the circuit clerk furnishes the clerk of the county court an extract of all judgments and decrees of the circuit court for the payment of money to be docketed.

County Judge. — Every county which contains not less than eight thousand inhabitants has a county court judge. He is chosen by the joint vote of the two houses of the General Assembly, and holds his office for a term of six years. Counties containing less than eight thousand inhabitants are attached to adjoining counties for the formation of districts for county judges. The county judge holds the county court each month and transacts its business. The jurisdiction of this court will be explained in the chapter on courts.

Other County Officers. — In addition to the county officers that have been named, there is a physician to the poor, who is appointed by the board of supervisors, and a sealer of weights and measures, appointed by the county court. The latter keeps the standard weights, balances, and measures furnished by the state to the county, by which those belonging to individuals are to be tested. Once also in every five years, the county judge appoints as many land assessors for each county as there are commissioners of the revenue. These officers assess at a fair cash value all the lands and lots in the county with the improvements on them, and from

the valuation thus obtained, the annual taxes on real estate are assessed.

Salaries of County Officers. — The sheriff, clerk of the county court, and commonwealth's attorney are generally paid in fees, though in some instances the court or the board of supervisors may authorize them to be paid limited salaries or sums. The justice of the peace is paid in fees, and so is the coroner, the constable, the surveyor, and the sealer of weights and measures. The superintendent of the poor receives a salary which is fixed by the board of supervisors and varies, according to the population of the county, from two hundred and forty dollars to three hundred and twenty dollars, except in Halifax County, where the board of supervisors can allow the superintendent of the poor as much as seven hundred dollars. Each overseer of the poor and each land assessor receives two dollars per day for the time he is actually engaged in the work of his office. The physician to the poor receives a salary which is determined by the board of supervisors. The treasurer is paid by a commission on the money he receives and disburses, and the commissioner of the revenue is paid partly by fees and partly by a commission on taxes assessed by him. In some instances, however, he is allowed a salary by the supervisors. The county judge receives two hundred and eighty dollars and an additional sum of twenty dollars for each thousand inhabitants in the county over ten thousand; but in a number of the counties the board of supervisors has authority by special acts of the General Assembly to increase the judge's salary within specified limits. The pay of a

supervisor is, in most of the counties, three dollars per day, for the time he actually spends at meetings of the board, and five cents for each mile he travels in going to meetings and in returning from them. In a few counties, however, a supervisor is paid only two dollars per day; and some counties have special laws in regard to the compensation of supervisors.

County Superintendent of Schools. — Each county has also a superintendent of schools, whose duties will be explained in the chapter on The Public School System.

QUESTIONS

1. State the origin of the name *county*.
2. How were the first Virginia counties formed and named?
3. By whose authority, and under what rules, can new counties be formed?
4. What are the divisions and subdivisions of the county?
5. What powers of government does the county exercise?
6. What are the functions of the county government?
7. Describe the county seat, and tell what is done on court days.
8. Name the county officers. Give their respective terms of office.
9. Those of a district.
10. What are the qualifications for office?
11. When vacancies occur in the offices, how are they filled?
12. What board constitutes the principal agent of a county? When and how often does it meet?
13. What are some of the duties of this board?
14. What are the duties of the county treasurer?
15. State the term of office, and the duties of the county surveyor.
16. How is the superintendent of the poor appointed, and what are his duties?
17. What is the difference between the superintendent and the overseer of the poor?
18. By whom are coroners appointed? What is their term of office?
19. Give an outline of what a commissioner of the revenue is expected by law to do.

20. The justice of the peace.
21. The constable.
22. The sheriff.
23. The commonwealth's attorney.
24. What are the duties of the clerk of the county court?
25. How many inhabitants entitle a county to a judge?
26. By whom is he chosen, and what is his term of office?
27. Mention some of the other county officers with their respective duties.
28. How are the salaries of most of the county officers determined?
29. How are the salaries of the superintendent, overseer, and physician of the poor determined?
30. Of the treasurer and the county judge?
31. What is the usual pay of a supervisor while on duty?

CHAPTER III

TOWNS AND CITIES

Preparatory Work. — Name the village, town, or city nearest to your home. Who is the mayor? Name a councilman. What other officers do you know in your town or city? How do their duties compare with those of similar officers in a county? What buildings are owned by your town or city? Must inhabitants of towns and cities obey the state laws? What special laws must they obey?

Formation of Towns and Cities. — When any portion of the country becomes so densely populated that more minute regulations or laws are necessary for it than for the more sparsely settled sections, the citizens of the thickly settled part petition the General Assembly to incorporate them into a town, or into a city if they are sufficiently numerous, so that they can have a local government of their own. If the petition is granted, the Legislature passes a law, which gives the people the powers they desire. Thus towns and cities are formed.

The Charter. — The law by which a town or city is incorporated is generally called a charter. This instrument makes the town or city a corporation, fixes its boundaries, defines its powers and privileges, gives it a name, and states what officers it shall have to carry on its government. The charter also enumerates the duties of the officers, and provides for their election or appointment. It is the fundamental law of the town or city, just as the constitution is of the state. Towns and cities present a general uniformity in their

government, the state granting to all similar privileges and imposing on all similar duties; but there is much variety in matters of detail, as some charters confer special rights and privileges. The form of government laid down in a charter usually provides for a legislative council, a mayor, a treasurer, a clerk who records the proceedings of the council, a police force, a sergeant, one or more justices of the peace, and contains provisions for the election or appointment of such other officers as may be needed. But the charter, unless the contrary is expressly provided, is subject to the general laws of the state, for the regulation of towns and cities.

Difference between a Town and a City. — The word *town* is defined in Virginia law as an incorporated town containing less than five thousand inhabitants. When an incorporated town reaches a population of five thousand, the constitution of the state authorizes the two houses of the General Assembly to elect by joint ballot a judge who shall hold in the place a corporation or hustings court,¹ and when this is done the town is called a city. The word *city* accordingly means an incorporated town with a population of five thousand or more which has a corporation or hustings court. The term *village* as used in Virginia means an assemblage of houses that has not been incorporated, but whose inhabitants are under the government of the county in which they reside.

Functions of City and Town Government. — The government of a city or town has many important

¹ In English law a hustings court was formerly the principal court of a city.

duties to perform, such as to provide lights, to construct streets, bridges, and sewers, to erect public buildings, schoolhouses, and waterworks, to build prisons and workhouses, to establish parks and cemeteries, to prescribe rules for the holding of markets, and regulations in regard to the erection of buildings, to support a fire department, to provide for the weighing or measuring of hay, coal, and other articles offered for sale, to abate nuisances, to lay down regulations for the promotion of health, and to provide a police force sufficient to protect the lives and the property of the citizens.

The Council. — The city is, for convenience in its government, divided into wards, and the voters of the different wards elect councilmen to represent them in the city council. The town is not divided into wards, but the people elect a mayor and councilmen, and these together constitute the council of the town.

The council is the legislative body of the city or the town; and it has power to pass laws which are called ordinances, to carry out the various functions of the government which have been mentioned and all others conferred by statute law or specially granted by charter. It has authority to levy taxes to pay the expenses of the government and of the schools, and to prescribe fines or other punishments for the violation of ordinances. The council has also the right to appoint a collector of its taxes and levies, with such other officers as may be needed, to define their powers and prescribe their duties and compensation.

The Mayor. — The mayor is elected by the qualified voters of the city or town, and is the chief execu-

tive officer of the corporation. As such, he is responsible for the efficiency of the government. It is incumbent upon him to see that the ordinances are obeyed, and the laws of the state carried out as far as they apply to the city or town. In preserving order, he has at his command the police force, and if necessary he may call on the governor for aid. He is president of the council, and calls special meetings when they are needed. In towns and in some cities he holds a court, called the mayor's court, which tries offenses involving violations of ordinances and such cases as come before the court of a justice of the peace. In other cities a police justice holds a court that takes the place of the mayor's court.

The mayor is charged with seeing that the duties of the various officers are faithfully performed. He has the power to investigate their acts, has access to all the books and documents in their offices, and may examine them and their subordinates on oath. He is authorized to suspend or remove officers for neglect of duty or for misconduct in office. In some towns, the council elects the mayor, and exercises supervision over the officers. An examination of the charters of different cities and towns will be necessary in order to ascertain all the points in which they differ in government.

Other Officers. — The other officers usually connected with the city government are a treasurer, a clerk of the corporation or hustings court, who is also clerk of the circuit court, except that in cities with a population of thirty thousand or more there may be a separate clerk for the circuit court, a commonwealth's attorney,

a commissioner of the revenue, and a sergeant. These are all elected by the people. The city sergeant is the ministerial officer of the courts that meet in the city, and in general his duties are the same as those of a sheriff. The town sergeant has the same duties and powers as a constable. The other officers discharge for the city the duties that the corresponding officials do for the county. In addition to the above officers, cities have an engineer, a collector, a chief of the fire department, a chief of the police, etc., who are appointed generally by the council.

QUESTIONS

1. How are towns and cities formed?
2. What is a charter, and what powers does it confer upon a town or city?
3. Give a list of the officers granted under a charter.
4. What is the difference between a town and a city?
5. What does the term *village* mean?
6. Mention some of the duties performed by the government of a town or city.
7. What is a town or city council, and what authority has it?
8. How is a mayor elected, and what are the duties of his office?
9. Mention other officers connected with a town or city government.
10. How are they elected or appointed, and what are their duties?

CHAPTER IV

THE STATE—LEGISLATIVE DEPARTMENT

Preparatory Work.—What is a legislature, and why is it necessary to have one? How often does the Virginia legislature meet? Who represents your county, city, or town in the House of Delegates? Who is the senator from your district? Are representatives and senators elected or appointed? What should be the character of the men sent to the legislature? What duties do they perform in the legislature? Do you know any special law which the people in your community wish to have passed?

The General Assembly.—The lawmaking power of the state is vested by the constitution in a General Assembly, or Legislature, which consists of a Senate and a House of Delegates. A senator serves for four years, and a member of the House of Delegates for two years, but both are eligible to reelection. Members of the House of Delegates and half the senators are elected by the people every two years on the Tuesday succeeding the first Monday in November, and begin their duties on the first Wednesday in the following December. These elections take place in the odd-numbered years, and when vacancies occur they are filled by special elections.

Qualifications of Members of the General Assembly.—Any person twenty-one years old, who holds no salaried office under the state government, can be elected to the

General Assembly, provided he is a citizen of the United States, and has been a resident of Virginia for a year, and of the district, county, or city he wishes to represent three months immediately preceding the election. During his term of service he is required to reside in the district, county, or city he represents, and if he does not do this, his office becomes vacant. Each house is the exclusive judge of the election and qualifications of its members, punishes them for disorderly conduct, and can, by a two-thirds vote, expel a member.

Sessions. — The constitution requires the General Assembly to meet regularly every alternate year on the first Wednesday in December. The meetings take place in the odd-numbered years. The law fixes the limit of a session at ninety days; but a session can be extended for an additional period, not exceeding thirty days, by a special three-fifths vote of each house. Neither house can, during a session of the General Assembly, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two houses are holding their meetings.

A majority of the members elected to each house constitutes a quorum to do business, but a smaller number can adjourn from day to day, and has power to compel the attendance of absent members in such manner, and under such penalty, as each house may prescribe.

The governor is required to call an extra session of the General Assembly on application of two thirds of the members of both houses, or when, in his opinion, the interest of the state requires him to do so.

The Capitol. — The capitol, or statehouse, is in the city of Richmond, and here the constitution requires the General Assembly to meet, though in cases of emergency it may meet elsewhere. The statehouse is a handsome building, conspicuously located in a park of twelve acres.

Richmond, the capital city, was founded by Colonel William Byrd in 1733, and was made a town by law in the reign of George II. In 1779, before the Constitution of the United States was formed, it became the seat of Virginia's government, and it has continued so ever since that time. More events of historic importance have occurred in this city, and in the country around it, than in any locality in the Union.

Privileges of Members and their Salaries. — Members of the General Assembly are in all cases, except in cases of treason, felony, or breach of the peace, privileged from arrest during the sessions of their respective houses; and, for any speech or debate in either house, they shall not be questioned in any other place. They are not subject to arrest under any civil process during the session of the General Assembly, nor for fifteen days before the opening and after the closing of the session. Each member receives a salary of three hundred and sixty dollars for attendance and services at each regular session of the General Assembly, and one hundred and eighty dollars for duties rendered during an extra session.

Scope of State Legislation. — The acts passed by the General Assembly constitute the statute law, which has a wide field of application. It regulates the buying,

the selling, and the inheritance of property, the administration of estates, the making of contracts, partnerships, promissory notes and checks, the granting of charters to corporations, such as railroad, telephone, electric light, manufacturing, mining, and insurance companies. The state through its laws provides for raising, by taxation, money to carry on the government; makes laws in regard to marriage; prescribes the legal relation of husband and wife, parent and child, master and servant; provides for the establishment of charitable institutions; supports education; creates county, city, and town governments; determines methods of procedure for the various courts; regulates the suffrage, and is charged with the prevention of crime and the punishment of criminals. Thus the state comes very near to the people, and has authority to make such laws as will best promote their welfare in all the ordinary affairs of life. Indeed, the term *House of Delegates* is intended to convey the idea that the members are sent by the people to enact the will of the people into law; and each member is elected upon the tacit, if not the express, promise that he will vote to enact that will into law; for otherwise some one else would be sent. Thus the will of the people becomes the law.

Restrictions upon State Legislation.—The constitution of Virginia puts some limitations upon the power of the General Assembly. For example, it is not allowed to grant divorces, to authorize lotteries, to abridge the freedom of speech, the freedom of the press, the religious liberty of the people, nor to suspend

the writ of habeas corpus,¹ except in cases of invasion or rebellion, when the public safety may require it. It cannot pass any bill of attainder,² any *ex post facto* law,³ any law to impair the obligation of contracts, or any law to take private property for public uses without just compensation. The General Assembly cannot exercise the powers which have been expressly delegated to the national government, nor those which the Constitution of the United States forbids a state to use. Outside of these restrictions, it can pass laws upon any subject in which the people may be interested. No law can embrace more than one object, and this must be expressed in its title. The General Assembly does not exercise any judicial power, except that if state officers commit offenses against the commonwealth, they are impeached by the House of Delegates and are prosecuted before the Senate, which has sole power to try such cases.

Apportionment of Senators and Delegates.— Delegates are apportioned among the cities and counties in proportion to the number of inhabitants. For representation in the Senate, the state is divided into districts, each one of which elects one senator, except the district composed of Richmond and the county of Henrico,

¹ The words *habeas corpus* mean literally, "you may have the body." The writ of habeas corpus is an order issued by the judge of a court, directing the sheriff or other officer to bring the body of a prisoner into court, so that the cause of his detention may be investigated.

² "A bill of attainder is a legislative act, which inflicts punishment without a judicial trial."

³ This is a law which renders an act punishable in a manner in which it was not punishable when it was committed. The prohibition in the constitution, against *ex post facto* laws, applies exclusively to criminal cases.

which elects two. The constitution requires the House of Delegates to have not less than ninety nor more than one hundred members, and the Senate to have not less than thirty-three nor more than forty members. Both House and Senate have now the full number allowed by the constitution.

Organization.—At the opening of a session of the General Assembly, the two houses meet in their respective chambers in the capitol. Then each house, after the oath of office has been administered to its members, proceeds to elect proper officers, to determine the rights of members to their seats, and to appoint standing committees. This is termed organization, and, after this has been effected, the General Assembly is ready for business. Each house makes its own rules of procedure. These, however, are seldom changed.

Officers of the Senate.—The constitution appoints the lieutenant-governor president of the Senate; he accordingly presides over the meetings, though he is not a member of the body, and is not entitled to a vote unless there is a tie, when he casts the deciding vote. The subordinate officers elected by the Senate are, a president *pro tem.*, who presides in the absence of the lieutenant governor, a clerk, a sergeant-at arms, a door-keeper, and four pages.

Officers of the House.—When the House of Delegates is organized, one of its members is elected to preside. He is called the speaker of the House, and, like any other member, is entitled to a vote on all questions. The subordinate officers elected by the House are a clerk, who is also keeper of the rolls, a sergeant-at-arms, and

a doorkeeper to assist him. The House has six pages, who are appointed by the speaker. None of the subordinate officers of the Senate or of the House are members of the General Assembly.

Duties of Clerks. — The clerks of the Senate and the House keep journals of the proceedings, take care of all records and important papers and, in general, do all the clerical work of their respective houses. The clerk of the Senate is authorized to appoint two assistant clerks, and five committee clerks; and the clerk of the House to employ one assistant clerk, and to appoint, subject to the approval of the speaker, six committee clerks. The clerk of the House is keeper of the rolls of the General Assembly.

Duties of the Sergeants-at-Arms. — It is the duty of the sergeants-at-arms to preserve order in the halls where the meetings are held, and to arrest members or other persons who interrupt business by disorderly conduct. They distribute among the members all papers printed for their use; have charge of all mail and telegraph matter belonging to them; and in general render them such services as will contribute to their comfort or facilitate the transaction of business.

Standing Committees. — The Senate has to consider so many subjects that if the whole body investigated the merits of each, there would not be time for it to complete its labors; and the same is true of the House. So, in order to expedite business, the members of both houses are divided into committees;¹ and each committee

¹ The Senate elects its committees and they have charge of the following subjects : 1. Privileges and Elections ; 2. Courts of Justice ; 3. Gen-

is put in charge of some particular subject or subjects. When a measure is introduced into either house, it is usually referred to the committee whose duty it is to consider questions of that particular kind. This committee examines the proposed measure in all its bearings, and makes a report in regard to it. This greatly expedites business, as each house, in legislating upon any subject, is influenced largely by the advice of the committee. There are so many of these committees that each member is apt to be on several.

The Making of a Law.—A bill, which is a proposed law, can originate in either of the two houses, but before becoming a law, it usually passes through the fol-

eral Laws ; 4. Roads and Internal Navigation ; 5. Finance and Banks ; 6. Public Institutions and Education ; 7. County, City, and Town Organizations ; 8. Agriculture, Mining, and Manufacturing ; 9. Fish and Game ; 10. Enrolled Bills ; 11. To Examine Office of Clerk of Senate ; 12. Rules ; 13. Executive Expenditures ; 14. Library ; 15. To Examine Office of Auditor of Public Accounts ; 16. To Examine Second Auditor's Office ; 17. To Examine Office of Register of Land Office ; 18. To Examine Treasurer's Office ; 19. To Examine Bonds of Public Officers ; 20. Printing.

The House committees* are appointed by the Speaker, who in doing this wields great power, as he appoints those whose approval generally insures the passage of a bill, and whose disapproval usually defeats it. As the House is so much larger than the Senate, it must to a greater extent than the Senate follow the recommendations of its committees. The House committees are as follows : 1. Privileges and Election ; 2. Courts of Justice ; 3. Schools and Colleges ; 4. Propositions and Grievances ; 5. Roads and Internal Navigation ; 6. Finance ; 7. Claims ; 8. Militia and Police ; 9. Asylums and Prisons ; 10. Labor and the Poor ; 11. Public Property ; 12. Banks, Currency, and Commerce ; 13. Agriculture and Mining ; 14. Manufacturing and Mechanic Arts ; 15. Counties, Cities, and Towns ; 16. Officers and Offices at the Capitol ; 17. Executive Expenditures ; 18. Retrenchment and Economy ; 19. Federal Relations and Resolutions ; 20. Enrolled Bills ; 21. Immigration ; 22. Chesapeake and its Tributaries ; 23. House Expenses ; 24. Rules ; 25. Library ; 26. Printing.

lowing steps : It must be introduced by a member and referred to a committee, or else introduced by a committee. In either case, it must be read three times in the house in which it originates on three separate days, unless it is passed under a suspension of the rules. The first reading is for information, but on the second reading the bill is open to amendments. After the second reading it is ordered to be engrossed, that is, written out by the clerk. Then it is read for a third time and a vote is taken. If a majority vote in its favor, the bill passes and is sent by the sergeant-at-arms to the other house where similar forms of action are taken. If the bill passes both houses, it is enrolled, and then signed by the presiding officers and sent to the governor. If approved by him, it becomes a law. But if vetoed by him, it does not become a law, unless both houses, on reconsidering the bill, give it a two-thirds vote, when it becomes a law in spite of the governor's veto. If the governor does not return the bill within five days after it has been received, Sundays excepted, it becomes a law without his signature. It should be stated that appropriation bills must have a two-thirds vote, and that, at each session of the General Assembly, a large number of laws are passed under a suspension of the rules.

QUESTIONS

1. Into what two bodies is the General Assembly divided?
2. How are senators and delegates elected, and what is their term of office?
3. Give the qualifications of a member of the General Assembly.
4. When is the General Assembly required to meet, and how long does it remain in session?
5. What is the rule with regard to adjournment?

6. When is the governor required to call an extra session?
7. Where is the state capitol, and what is said of it?
8. By whom was Richmond founded, and what of its history?
9. Mention some of the privileges of a member of the General Assembly.
10. What salary does each member receive for a regular session?
For an extra session?
11. What constitutes the statute law?
12. Mention some of the affairs it regulates.
13. What other provisions and laws does the state make for the welfare of its people?
14. What idea is conveyed by the term *House of Delegates*?
15. What restrictions are put upon the General Assembly by the state constitution?
16. What by the United States Constitution?
17. In what case can the Assembly exercise judicial power?
18. How is the number of senators and delegates decided?
19. How many members is each house required to have?
20. Outline the proceedings for organizing each house.
21. How is the lieutenant governor elected, and what connection has he with the Senate?
22. What other officers are elected by the Senate?
23. Who is the first officer elected by the House of Delegates, and what authority has he?
24. What other officers does the House elect? Do they become members?
25. What are the duties of the clerks of the two houses?
26. Give the duties of the sergeants-at-arms.
27. Why is it necessary to have standing committees, and how do they shorten and simplify the work of the General Assembly?
28. Mention some of the Senate committees.
29. Some of the House committees.
30. State the process by which a bill becomes a law.
31. What connection has the governor with it?
32. How are many bills passed in the General Assembly?

CHAPTER V

THE STATE—EXECUTIVE DEPARTMENT

Preparatory Work. — Who is the present governor of the state? Why is a governor needed, and how does he differ from a king? Who is the lieutenant governor? Who is the attorney general? What use does the state have for militia?

Executive Officers. — The executive power of Virginia is, by the constitution, vested mainly in a governor, lieutenant governor, secretary of the commonwealth, treasurer, and auditor. The governor and lieutenant governor are elected by the people, when they choose members of the General Assembly. They begin their duties on the first day of January after their election, and serve for a term of four years. The secretary of the commonwealth, the treasurer, and the auditor are elected by the joint vote of the two houses of the General Assembly. They begin their duties on the second day of January after their election, and continue in office for two years. In addition to the above officers, the General Assembly has established various boards, and created a number of other officers to facilitate the carrying on of the executive department of the state.

The Governor. — The governor has many powers to exercise and duties to discharge; but the most important can be classified under the following heads:—

1. He gives to the General Assembly by message at

every session information in regard to the condition of the commonwealth, and recommends for its consideration such measures as he deems expedient for the public good. The information furnished to him by the heads of the various departments of the state in regard to agriculture, fisheries, railroads, asylums, educational institutions, the poor, the penitentiary, the military, etc., enables him to look after the interests of the state with a thousand eyes, and from these sources his message ought to be made up. It is his duty to call the General Assembly together in extra session, when any important matter arises, which in his opinion demands immediate attention, or when two thirds of the members of both houses make application to him to call a meeting.

2. He is commander in chief of the land and naval forces of the state, and can call out the militia to repel invasion, to suppress insurrection, and to enforce the execution of the laws.

3. He has the power to grant reprieves and pardons, except in cases of impeachment, and to commute sentences of capital punishment. In thus exercising the clemency of the state, he must act under a sense of his responsibility to public opinion and to the laws; and he is required to render to the General Assembly a statement of his action in regard to each case. He cannot pardon before conviction, nor can he remit fines, with one or two exceptions.

4. He is charged with seeing that the laws are faithfully executed. No bill can become a law without his signature, unless it is passed over his veto, or is made a

law because he does not return it, within the time allowed, to the house in which it originated.

5. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices. He also has the power to appoint officers for many of the executive departments established by the General Assembly and boards for the educational and charitable institutions of the state.

No one is eligible to the office of governor unless he is a citizen of the United States. Before a person of foreign birth can be eligible, he must have been a citizen of the United States for ten years immediately preceding the election. In addition to these acquirements, a candidatè, to be eligible, must be thirty years old and, for three years immediately preceding his election, must have been a resident of Virginia. The governor receives a salary of five thousand dollars per annum. He is authorized to employ a secretary at a salary not exceeding twelve hundred dollars per year.

The Lieutenant Governor. — This officer is elected at the same time and for the same term as the governor; and he must have like qualifications. He is president of the Senate, and if the governorship becomes vacant for any reason, he fills the office for the remainder of the term.

Secretary of the Commonwealth. — The secretary is the keeper of the seals of the commonwealth, and he is charged with the clerical duties of the Executive Department. He attests the official acts of the governor, records them, and lays them, with all other papers in

his office, before either house of the General Assembly whenever he is required to do so. In general, it is his duty to preserve all papers connected with the Executive Department, and to render to the governor such services as he needs in transacting executive business. He records in his office the charters of all companies incorporated by the courts of the state. The law requires this to be done before such companies can exercise the rights that have been granted to them. The secretary is also general librarian, and distributes copies of the code of Virginia and of the Acts of the General Assembly to the officers entitled to them. He has likewise important duties to discharge in connection with elections, which will be mentioned in the chapter on elections. He gives an official bond for ten thousand dollars and receives a salary of two thousand dollars per annum. He is authorized to employ clerks to assist him in his work. In addition to the oath of office, he takes an oath to keep secret the affairs of state.

The Auditor of Public Accounts. — The auditor is the state accountant, and he has a wide circle of important duties. County and city treasurers, clerks of courts, and other officers account to him for taxes collected by them, making payment thereof into the treasury through his office. He also collects a large part of the state's revenues, including taxes on railroad companies, insurance companies, banks, telegraph and express companies. He audits all claims against the state, except claims for interest upon the state's obligations, and issues warrants upon the treasurer for those which he allows. The auditor makes an annual report to the

superintendent of public instruction of the amount that can be applied for school purposes. He also reports to the governor quarterly, makes special reports when asked to do so, and an annual report containing detailed information in regard to the financial affairs of the commonwealth, with an estimate of the revenue and expenditures for the succeeding year. The auditor receives a salary of two thousand seven hundred and fifty dollars per annum, and gives bond for the sum of thirty thousand dollars. He is authorized to employ a number of clerks to aid him in his work.

The Second Auditor. — There is also a second auditor, who is elected by the joint vote of the General Assembly at the same time and for the same term as the auditor of public accounts. He keeps account of all funds paid into the treasury that go to the credit of the Board of Education, the Board of Public Works, or any corporation composed of officers of the government, the property of which belongs to the state. When claims are brought against any of the above corporations, he issues warrants on the treasurer for the payment of such of them as are allowed. He is the accountant of all money paid into the treasury belonging to the sinking fund, and issues warrants for its disbursement. He keeps all accounts connected with the state debt, and issues warrants on the treasurer for the payment of interest on it. He keeps account of the interest due to institutions of learning, holding state securities, and draws upon the treasurer for its payment to the proper authorities. He receives also reports of the boards of trustees and visitors of state institutions of learning, including

the report of the Miller Manual Labor School. The second auditor is aided in his work by clerks.

The State Treasurer. — The treasurer does not receive the state's money directly, but it is paid into some designated bank for the state by officers authorized to collect it. The treasurer pays it out, however, but only upon warrants issued by either the auditor or second auditor. From the foregoing, it is seen that neither the auditor of public accounts, nor the second auditor, nor the state treasurer, can, by his single act, get possession of money that has been paid into the state treasury. This arrangement is one of the checks of the government upon those who have charge of and keep account of the state's money. The treasurer makes a quarterly report to the governor, special reports when requested to make them, and in addition an annual report showing the condition of the treasury. He receives a salary of fifteen hundred dollars and is assisted by several clerks.

The Attorney General. — At the same time that a governor is elected, the people elect an attorney general, who is the legal advisor of the governor, of the Board of Public Works, and of the officers that are at the seat of government. He is counsel for the state in all cases that come before the Supreme Court of Appeals, the Supreme Court of the United States, the District and Circuit Courts of the United States for the state of Virginia, and the Circuit Court of Richmond. He receives a salary of twenty-five hundred dollars per annum and ten cents for every mile of necessary travel on business for the state.

The Commissioner of Agriculture. — The commissioner of agriculture is appointed by the governor with the advice and consent of the Senate, and he serves for a term of two years. He has charge of the Department of Agriculture. His special work is to encourage the development of agriculture and the raising of cattle and sheep; to investigate the causes of the diseases of grain, fruit, and other crops, and to suggest remedies; to collect information in regard to the mining and manufacturing interests of the state, with a view to fostering them; and to give the people the results of his investigations in regard to all these matters. He also has supervision of the fertilizers that are offered for sale in the state. He has the different kinds analyzed, and forbids the sale of any that are found to be of no practical value. He is authorized to employ a clerk, a chemist, and a geologist to aid him in carrying on his work. The commissioner receives a salary of twelve hundred dollars, and makes an annual report to the governor.

The Board of Public Works. — The constitution provides for a Board of Public Works to consist of the governor, the auditor of public accounts, and the state treasurer, which is required to act under regulations prescribed by the General Assembly. This board takes care of the fund for internal improvements, and disburses it from time to time as the General Assembly directs. It also exercises a general supervision over companies chartered to carry on works of internal improvement; keeps a register of all state property; prescribes tolls for any canal navigation or bridge company whose charter does not fix them; assesses the value of all rail-

road and canal property in the state for taxation, and makes agreements with the state depositories in regard to the rate of interest to be allowed the state for money kept on deposit.

The Militia.—All able-bodied men between the ages of eighteen and forty-five years, except such as are exempt by the law, are subject to military service, and constitute the reserve militia, but are not required to muster in time of peace. The active militia is formed of the Virginia volunteers. These consist in time of peace of not more than sixty companies of infantry, eight battalions of artillery and ten troops of cavalry. The volunteers are first ordered to take the field when any emergency arises. The governor as commander in chief of the militia commissions the officers. The adjutant general is chief of the governor's staff, and is his military executive officer.

Other Executive Departments and Officers.—The executive officers of the state are assisted in carrying on the government by various administrative officers, commissioners, and boards, which the General Assembly has from time to time created. The following list includes the most important of these:—

(1) *Superintendent of Public Printing.*—Elected by the General Assembly. Term of office, two years.

(2) *Superintendent of the Penitentiary.*—Elected by the General Assembly. Term of office, two years.

(3) *State Assayer and Chemist.*—Appointed by the governor. Term of office, not limited.

(4) *Commissioners of the Sinking Fund.*—These are

the treasurer, the auditor of public accounts, and the second auditor.

(5) *Railroad Commissioner*. — Elected by the General Assembly. Term of office, two years.

(6) *Tobacco Samplers*. — Two for each public warehouse. Appointed by the governor with the concurrence of the Senate. Term of office, two years.

(7) *Inspectors of Oysters*. — Appointed by the county courts in the counties where oysters are caught or planted, as many for each county as the court deems necessary.

(8) *Inspectors of Cattle*. — Eight of these are appointed by the governor, one to live during his term of office at the town of Goodson, one at Patrick C. H., one at Danville, one at Norfolk or Portsmouth, one at Boykin Depot, one at Hicksford, one at Covington, and one at Cumberland Gap. Term of office, two years.

(9) *Inspectors of Various Articles*. — The governor has authority to appoint annually in counties, cities, and towns where such officers are needed, inspectors of flour, corn, meal, bread, salt, fish, pork, beef, pitch, turpentine, lumber, hemp, butter, and lard.

(10) *Weighmaster of Live Stock at Richmond*. — Appointed annually by the governor.

(11) *State Board of Health*. — Seven members. Appointed by the governor. Term of office, four years.

(12) *Board of Pharmacy*. — Five members. Appointed by the governor. Examines persons who wish to retail, compound, or dispense medicines or poisons, and issues certificates to such as are found to be competent. Term of office, five years.

(13) *Board of Dental Examiners.*—Six members. Appointed by the governor. Examines persons who wish to practice dentistry, and issues certificates to such as are found to be competent. Each member serves three years, but all do not go out of office at the same time.

(14) *Board of Medical Examiners.*—Composed of three members from each congressional district, two from the state at large, and five homeopathic physicians from the state at large. Term of office, four years. Examines persons who wish to practice medicine and surgery, and issues certificates to such as are found to be competent.

(15) *State Board of Agriculture.*—Ten members, one from each congressional district. Appointed by the governor. Term of office, four years. This board has control of the Department of Agriculture.

(16) *The Board on the Chesapeake and its Tributaries.*—Composed of the governor, auditor of public accounts, and treasurer.

(17) *Commissioner of Fisheries.*—Appointed by the governor. Term of office, two years.

(18) *Prison Association.*—Incorporated by the General Assembly for the purpose of improving the government, discipline, and general management of prisons within the state; to better the condition of prisoners; and to encourage and aid discharged convicts who show a desire to reform.

QUESTIONS

1. What officers form the main executive power of the state?
2. By whom are the governor and lieutenant governor elected, and what is their term of office?
3. How are the other state officers elected, when do they begin their duties, and what is their term of office?
4. Mention some of the powers exercised by the governor, and some of the duties which he discharges.
5. What qualifications must a man have in order to be a candidate for governor?
6. What are the qualifications and duties of the lieutenant governor?
7. What are the chief duties of the secretary of the commonwealth?
8. The auditor of public accounts?
9. The second auditor?
10. The state treasurer?
11. The commissioner of agriculture?
12. What is the Board of Public Works, and what are its duties?
13. What men are subject to military service?
14. Of what does the active militia consist?
15. Who are first ordered out in time of war, and who is the commander?
16. Mention some of the other executive officers.
17. How are they elected, and what is their term of office?

CHAPTER VI

THE STATE—JUDICIAL DEPARTMENT

Preparatory Work.—Have you ever seen a court in session? Who acted as judge? What courts meet in your town, city, or county? Give the name of a judge who presides over one of these courts? What cases are tried by a justice of the peace?

A Judicial Power Necessary.—In the various dealings which men have with one another differences are continually arising, and wrong deeds are frequently done. For this reason, any complete form of government must have some power to decide disputes, to award justice, and to punish crime. These objects are effected by what is called the judicial power, which, if properly exercised, insures to the citizen protection and security in the enjoyment of his rights.

The Courts.—The judicial power is vested in the courts, which may be defined as organized bodies to which are committed the interpretation of the laws and the administration of justice, as applied to each particular case coming before them. A court may consist of one judge, of a judge and a jury, or of several judges; but, in transacting its business, it is assisted by attorneys, clerks, sheriffs, and constables. The courts of Virginia are divided into four grades, the justice's court, the county court for counties and the corporation or hustings court for cities, the circuit court, and the supreme court of appeals.

A Case at Law. — Any case that comes before a court for hearing and decision is called an action at law or a suit in chancery. Cases are called either civil or criminal, according to their nature, civil cases being those that take place between private persons on account of debt, the violation of a contract, or because of some injury to person or property, while criminal cases are those in which the state seeks to punish persons who commit crimes. Civil cases are of many kinds, but crimes are either misdemeanors, that is, offenses punishable by fine, by imprisonment in jail, or by both, or they are felonies, that is, offenses punishable by imprisonment in the state penitentiary or by death. In civil cases, the party who brings the suit is called the plaintiff, and the party against whom the suit is brought is called the defendant. In criminal cases, the state is the plaintiff, the act being an offense against the state, and the accused is called the defendant or the prisoner.

Jurisdiction. — Each court has power to pronounce the law in certain specified classes of cases, and in certain territorial limits, and these constitute what is known as its jurisdiction¹ or right to decide. The law prescribes the limits within which each court may act. A brief explanation will make this plain.

¹ A court has original jurisdiction when a case may be commenced in it, and appellate jurisdiction when it has a right to hear a case on appeal from a lower court. Two courts have concurrent jurisdiction in cases where either court may try them. In suits between citizens of different states, in such as involve points of United States law, and in those to which foreign ambassadors are parties, the cause can be brought in the United States courts or the defendant can elect to remove it to one of these courts. Except in cases like these, the Virginia courts form a complete system adequate for the trial of all causes.

1. Jurisdiction depends upon the nature of the question to be decided. For example, one court has the right to try cases of misdemeanor, a second to try cases of felony, and a third to try civil cases involving five hundred dollars or more.

2. Jurisdiction depends also upon locality. Except in the case of the court of appeals, the jurisdiction of each court is confined, with few exceptions, to the limits of the county or city for which the court is appointed, for it is a maxim of English law that justice must be brought to every man's door. Even the judge of a circuit embracing several counties, cannot ordinarily hear a cause in any county of his circuit except the one in which it arises.

3. Jurisdiction depends likewise upon the process. Process here means notice. A principle which governs all criminal and civil procedure is that no one can be deprived of his life, liberty, or property without due process¹ of law. Accordingly, no court has the right to decide any matter unless the parties interested have had an opportunity to be heard. The jurisdiction of each court will now be defined.

The Justice's Court.—The office of justice of the peace is of great antiquity, having originated in England in the reign of Edward III. In addition to being a conservator of the peace, the justice holds the court of lowest grade in the state. He has power to try all persons who are charged with committing offenses

¹ "Due process" is a method of procedure "which, following the forms of law, is appropriate to the case, and just to the parties to be affected."

classed as misdemeanors, and also to try civil cases¹ involving as large an amount as one hundred dollars, exclusive of interest. But, in civil cases it is provided by law that when the amount or thing in controversy exceeds twenty dollars, the defendant can at any time before the trial have the case removed to the county court. This provision is made because there is no jury in the justice's court, and the Constitution of the United States guarantees the right of trial by jury when the amount in controversy is greater than twenty dollars.

It is the duty of a justice to issue a warrant for the arrest of any one who has committed felony, and, after holding a preliminary examination, to have the accused person put into prison till he can be indicted by the grand jury and brought to trial in the county or corporation court. If a person is charged with felony, and the justice finds on examination that there is but a light suspicion of guilt, he can release the accused on bail till he can be brought to trial.

The County Court. — The county court, which meets every month, has power to try all persons who are charged with offenses sufficiently grave to be classed as felony. It has jurisdiction also over the probating of wills and the appointment of executors, administrators,

¹ If, however, the claim is to a fine, the justice cannot try the case if it involves more than twenty dollars. It is further provided by law that, if a justice has given judgment in a case which involves the constitutionality or validity of an ordinance or of a by-law of a corporation, or where the matter in controversy is, exclusive of interest, of greater value than ten dollars, the defendant can within ten days take an appeal to the county court. If he does this, however, he must give security for the payment of the judgment, if it should be confirmed, and of all costs and damages.

guardians, etc. It decides likewise all questions that come before the board of supervisors, upon which there is a tie vote, and it hears appeals¹ from decisions of this board. Actions against persons who have unlawfully held, for not over three years, possession of real estate belonging to others, can be brought in the county court. It hears appeals in civil cases involving over ten dollars and in misdemeanor cases from the courts of justices and from those of mayors of towns. These cases, however, cannot be commenced in the county court.

The Circuit Court.—Virginia is divided into seventeen judicial circuits, for each one of which the General Assembly, by a joint vote, elects a judge who holds at least twice a year, in each county and corporation embraced in his circuit, a court called a circuit court. The circuit court judges are elected for a term of eight years, and their salaries vary from sixteen hundred to twenty-three hundred dollars per annum. The circuit court is the main civil and chancery court² of the state. All

¹ Appeals, however, taken from decisions of the board of supervisors rendered on orders from the county court, or upon decisions that involve the constitutionality of a law or validity of an ordinance or by-law of a corporation, are heard by the circuit court and not by the county court. It should also be noted that no appeal can be taken to the county court from a decision of the board of supervisors unless the claim is to an amount larger than ten dollars; and the decision of the county court is final upon any claim that does not exceed twenty dollars.

² A chancery court is one possessing power to grant the kind of relief demanded in any case by natural justice between man and man. It can for example compel a man to perform a contract instead of paying damages for not doing as he promised. So, also, it can restrain a man from doing an unlawful act, grant relief against fraud, etc. The circuit court is a court of both law and equity and administers both.

civil cases involving one hundred dollars or more must be commenced in this court, and civil cases involving from twenty dollars to one hundred dollars can be begun in it as well as in the justice's court. The circuit court has power to try all chancery cases, and it has jurisdiction over the proving of wills, the appointment of executors, administrators, guardians, etc., equally with the county court. Actions, involving *title* to real estate or right of possession withheld for more than three years, are brought in the circuit court. Appeals¹ taken from cases that originate in the county court are heard by the circuit court.

The Supreme Court of Appeals. — This court is composed of five judges, distinguished for ability and knowledge, who are elected for a term of twelve years by the joint vote of the two houses of the General Assembly. The judges appoint one of their number president of the court, and select another one who is required by law to reside at the seat of government. Any three of the judges may hold a court. The president receives a salary of thirty-two hundred dollars per annum, the judge who resides at the seat of government four thousand dollars, and the other judges each three thousand dollars. The great business of this court² is to hear

¹ The circuit court hears also appeals taken from decisions of the board of supervisors, which are based upon orders given by the county court or which involve the constitutionality of a law or validity of an ordinance or by-law of a corporation.

² The supreme court of appeals has appellate jurisdiction only, except in cases of habeas corpus, mandamus, and prohibition. It does not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will,

appeals from the lower courts. It possesses the highest judicial power, and it is the court of last resort, in the state, to which appeals can be carried.

City Courts.—The General Assembly has created, in addition to the courts that form the regular state system, for each city a corporation court, which exercises the powers belonging to a county and a circuit court combined. For Richmond, there is a special system of courts, which embraces a circuit, a chancery, a hustings, and a law and equity court.

QUESTIONS

1. Why is it necessary that government should have a judicial department?
2. What are courts, and of what do they consist?
3. Into what four grades are the courts of Virginia divided?
4. What is the term applied to any case at law?
5. What is the difference between a civil case and a criminal case?
6. What is the difference between a misdemeanor and a felony?
7. Who is the plaintiff, and who is the defendant in a civil case?
8. In a criminal case?
9. What is meant by the jurisdiction of a court?
10. What three limitations are placed upon jurisdiction?
11. What is the difference between original jurisdiction and appellate jurisdiction? When do courts have concurrent jurisdiction?
12. Where did the office of justice of the peace originate?
13. What criminal cases can the justice try?

the appointment or qualification of a personal representative, guardian, committee, or curator; or concerning a mill, roadway, ferry, or landing; or the right of a corporation or of a county to levy tolls or taxes: and except in cases of *habeas corpus*, *mandamus*, and prohibition, or concerning the constitutionality of a law. The assent of a majority of the judges elected to the court is required, in order to declare any law null and void by reason of its repugnance to the federal Constitution or to the constitution of the state.

14. What civil cases?
15. What is the duty of the justice in regard to persons who commit felony?
16. How often does the county court meet, and what criminal cases can it try?
17. Over what other cases does it have jurisdiction?
18. What appeals does the county court hear?
19. What is a circuit court?
20. What is a chancery court?
21. What civil cases *must* be commenced in the circuit court, and what cases *may* be there commenced?
22. Over what cases has the circuit court jurisdiction equally with the county court?
23. What appeals does the circuit court hear?
24. How many judges compose the supreme court of appeals, for what are they distinguished, and how long do they serve?
25. How is the president of this court appointed, and what are the salaries received?
26. What is the chief duty of the supreme court of appeals?
27. What is said of the jurisdiction of the supreme court of appeals?
28. What are the powers of the corporation courts?
29. What courts have been established for Richmond?

CHAPTER VII

LEGAL PROCEEDINGS

Duty of a Court. — A court when called on to exercise its judicial functions has a twofold duty to discharge, — to find out what the law is and what the truth is. It falls to the judge (or judges, if the court has more than one) to determine what the law is, and in some cases to decide also what the evidence proves in regard to the facts; but in many cases the evidence is submitted to a number of men called jurors, who are sworn to deliver the truth as proved by the evidence bearing upon the case.

Juries. — The word *juror* means one who has sworn. The grand jury is a body of citizens, sworn to present or charge persons who are known, or who can be proved, to have committed crimes, and to bring them to trial. The accusation made against a person who commits a crime is called an indictment. A petit jury in a criminal case is a body of citizens sworn to try the accusation which the grand jury has brought. The grand jury has nothing to do with civil cases. A petit jury in a civil case is sworn to decide the issue truly.

How Grand Juries are obtained. — There is a regular grand jury every year at two terms of each county, corporation, and hustings court. A grand jury is obtained in the following manner: The judge of each of

the courts named above, every year, in the month of August, makes out a list of forty-eight citizens, in every way qualified to act as grand jurors, apportioning them as far as possible among the magisterial districts of the counties and wards of the cities, and has them summoned to serve on the grand jury. No one of the forty-eight persons is required to serve as a grand juror more than once, till all the others have been summoned once; nor must he serve more than twice, till all the others have been summoned twice. Special grand juries can be ordered by the judge of the court when he deems it necessary. A regular grand jury consists of not less than nine nor more than twelve jurors; and a special grand jury of not less than six nor more than nine. At least seven jurors of a regular grand jury and five of a special grand jury must concur in making an indictment or presentment.

Trial Juries for Civil and Misdemeanor Cases.—Juries to decide disputed facts in any case are called trial or petit juries. For the trial of civil and misdemeanor cases, such juries are obtained as follows: Every year the judge of each county and corporation court at the May or June term makes out a list of persons well qualified to serve as jurors, numbering from one hundred to three hundred, according to the population of the county or corporation. These names are put in a box, each written on a separate ballot. Then at least ten days before the term of any court when a jury will be needed, the clerk selects by lot from the box the names of twelve persons, and has them summoned to serve as jurors. If any person who has been selected

fails to attend by reason of sickness, absence from home, or other cause, or if he cannot serve on account of objections made to him, another juror is selected by lot to take his place. No person who has served as a juror is called on to serve again during the same year till all the persons whose names are in the box have been drawn to serve.

In a civil suit, if both parties are willing, the jury may consist of seven instead of twelve, and trial by jury may be waived altogether with the consent of the parties. Also in misdemeanor cases, the accused person can waive trial by jury. If a jury is waived, the whole matter of law and of fact is heard and determined by the court, which then renders judgment.

Trial Juries for Felony Cases. — In a felony case, a jury is obtained in the following manner: The judge of the county or corporation court where the trial is to take place makes out a list of persons residing in the county or corporation, and from this list sixteen persons, living remote from the place where the crime was committed, and qualified in other respects to serve as jurors, are summoned to attend court. The commonwealth is not allowed to challenge a juror except for cause, but if objection is made to a juror and it is sustained by the court, another juror is put in his place. After sixteen persons, free from objection, have been obtained, the accused person is allowed to strike off four, and the remaining twelve constitute the jury to try the case. If the accused strikes off less than four, or if he declines to strike off any, twelve are selected by lot.

I. *Proceedings in Civil Cases*

Ordinary Civil Cases. — Trials between individuals may take place for the purpose of establishing a right depending on one or more simple facts. For example, the object may be to determine whether a debt is due, whether damage has been sustained, or whether one man unlawfully holds possession of houses, lands, or some other property belonging to another. Such cases as these give rise to ordinary civil suits, or to what are known as common law¹ actions.

First Proceedings in Ordinary Civil Cases. — The case is begun by the plaintiff, who files with the clerk of the circuit court a memorandum giving the names of the plaintiff and the defendant and explaining the character of the suit. Thereupon the clerk has the defendant summoned to appear at a certain day, known as a "rule day," to make answer to a written statement, called a declaration, which the plaintiff is required by law to file to explain the cause of his suit. The plaintiff must file the declaration within a month after the defendant has been summoned. After this has been done, the defendant must file a plea either at rule day or at the term of the court following, if he wishes to protect his interests.²

¹ The common law consists of rules of action which long usage and custom have rendered binding, and for this reason it is said to be "founded in reason and in the principles of justice." It is frequently called the unwritten law, while the statutes passed by legislatures are called the written law. The common law of Virginia, and indeed of all the states except Louisiana, is based upon the common law of England, which the first settlers brought with them to America.

² **Another Method of Preliminary Procedure.** — By a recent statute, instead of following the method above indicated, any one may proceed in

The Trial.—The declaration and the plea having been filed, the trial usually takes place at some future day of the court. The judge presides; and unless both parties are willing to submit all questions to the court, a jury is secured to try the case. The counsel for the plaintiff tells briefly what the case is about, and what he expects to prove. The counsel for the defendant follows with a statement in behalf of his client. After this the witnesses are examined and cross-examined; and then usually the jury is asked to retire while instructions to be given in regard to the case are being discussed. The attorneys for each side write out instructions which they request the judge to give to the jury. This part of the proceedings being completed, the judge gives to the jury instructions, in which he states the law bearing upon the case. The case is next argued to the jury by the respective counsels. The arguments that are usually presented show the inconsistencies of the opposite side of the case, or dwell upon the credibility of one witness as against another. The jury then retires to consider the case in secret. If the jurymen cannot agree, they are discharged and the case may be tried again. But if they all agree, they return a verdict for the plaintiff or for the defendant. The court is often asked to set aside the verdict and grant a new trial. If it refuses, the clerk enters the judgment, which the court signs.

many cases at common law by notifying the defendant that on the first day of the next term of court he will move for judgment. The notice is served by the sheriff just as the summons was. It takes the place of the declaration, etc., and enables the parties to avoid the rule day, or proceedings at rules, as it is called. At the time fixed the trial takes place in the usual way.

Chancery Proceedings.—In chancery cases, the proceedings are similar to those at common law. The summons is called a subpoena,¹ and the bill in chancery takes the place of the declaration at common law, and the answer takes the place of the plea. The testimony at common law is generally oral, and is taken at the trial, but in chancery it is taken in depositions, which consist of written questions by the attorneys and written answers by the witnesses. Usually there is no jury, the court deciding all questions both of law and of fact, but in a contest in regard to a will the court orders a jury. There are other methods of court procedure in the administration of justice between man and man which cannot be described in a work like this. Courts are called on for many objects and the proceedings differ in different classes of cases. In all cases, however, the court must give each party an opportunity to be heard in order that he may correct false statements made by others.

2. *Proceedings in Criminal Cases*

The Prevention of Crimes.—It is the duty of every justice of the peace, constable, sheriff, notary, and indeed of every citizen who knows that a crime is about to be committed to give notice of it, and to have the person who threatens to do the wrong deed arrested. A person taken into custody upon a charge of this kind is required, if the justice thinks proper, to give bond

¹ In chancery practice a subpoena is a mandatory writ directed to a person and requiring him to appear and answer the matters charged against him.

and security for his good behavior; and if he fails to do this, he is sent to jail.

The Detection of Crimes. — But notwithstanding all precautions, crimes will be committed, and for their detection each county and city has its grand jury, the members of which are selected from different parts of the county or city, and so are apt to hear of serious offenses. When a grand jury is summoned, the judge instructs the jurors in regard to offenses that should be indicted. There are many statutes requiring him to charge them as to particular offenses.

It is the duty of every justice of the peace to cause the arrest and imprisonment of criminals, and to send the witnesses against them before the grand jury that they may be charged with their crimes. It is also the duty of every citizen who knows that felony has been committed, to appear before the grand jury and make accusation against the guilty person. Any person who aids a felon in escaping from the law thereby renders himself liable to punishment. Thus the system for the discovery of crimes is very complete; and when it fails, if the crime is an outrageous one, the governor may offer a reward for its detection.

Before a Justice. — After a man has been arrested on the charge of committing a crime, he is taken before a justice of the peace. If the offense is a misdemeanor, the justice tries the case, and discharges, fines, or imprisons the accused as the law prescribes. If a man is arrested for felony, he is also taken before a justice of the peace, and if he is shown to be innocent, the justice discharges him. But if he is not

shown to be innocent, the justice releases him on bail or sends him to jail till he can be brought to trial before the county or corporation court.

Indictment for Felony.—No man can be tried for felony till he has been indicted by the grand jury. The indictment is the charge against the accused person, written out with full particulars. It is drawn up by the commonwealth's attorney, who gives it to the grand jury. Witnesses in support of the accusation appear before the grand jury, and, after being sworn, give in their testimony. If the grand jury then thinks that the charges in the indictment are well founded, and the evidence probably sufficient to prove them, "a true bill" is indorsed on the indictment. If the grand jury thinks that the evidence is insufficient to establish the charges, "not a true bill" is indorsed on the indictment. But the fact that the grand jury has found "not a true bill" does not prevent the finding of "a true bill" at some future time, if other evidence should be discovered.

The Trial.—After a man has been indicted and has received due notice, he is brought into court for trial, and no steps can be taken in the trial in his absence. The commonwealth's attorney conducts the prosecution; and if the accused is unable to secure an attorney for his own defense, the court may assign counsel to represent him. When the prisoner is arraigned, he is ordered to stand up and the indictment is read to him. This being done, he is asked whether he is guilty or not guilty as charged in the indictment. Whether he pleads guilty or not guilty, a jury is im-

paneled; for though he may acknowledge himself to be guilty, yet the law requires the jury to render a verdict before he can be condemned. If he pleads "not guilty," the witnesses for and against him are examined and cross-examined, and he is allowed to testify in his own behalf. The case is then argued by the attorneys, and the judge delivers to the jurors instructions in regard to the principles that should govern them in reaching a decision. If the jury renders a verdict of "not guilty," the court so informs the prisoner and he is released. But if the verdict is "guilty," the judge sentences the prisoner to the penitentiary or to be hanged, as the case may be.

Habeas Corpus. — If a person under arrest thinks that he is unlawfully imprisoned, he or any one interested in his case may apply to the judge of any county, corporation, or circuit court for a writ of habeas corpus. This is an order commanding the sheriff to bring the accused person into court so that the cause of his arrest may be investigated. The judge looks into the matter, and if he finds that the prisoner's arrest was unlawful, he releases him. This writ applies not only to prisoners under arrest, but also to cases where a person is unlawfully detained by another. For example, a father can use it to get possession of a child that is held, contrary to law, by another person.

The writ of habeas corpus had its origin in England at an early date, and is regarded as one of the most important writs in law, for it protects a man's right of personal liberty by providing for an examination, by competent authority, of the ground of his arrest or detention.

QUESTIONS

1. What twofold duty has a court to discharge?
2. Who determines what the law is in any case, and who usually decides what the evidence proves?
3. What does the word *juror* mean?
4. What is a grand jury? What a petit jury?
5. How are grand juries obtained?
6. How are juries obtained to try civil and misdemeanor cases?
7. How are juries obtained to try felony cases?
8. How do ordinary civil cases arise?
9. What is meant by the common law?
10. What are the first proceedings in civil cases?
11. Give a brief outline of the trial in such cases.
12. What is said of chancery proceedings?
13. What are depositions?
14. What is the duty of every officer, and of every citizen who knows that a crime is about to be committed?
15. How does every county or city provide for the detection of crimes?
16. What instructions does the judge give the grand jury?
17. What action should every justice of the peace take in order to bring criminals to justice?
18. What is the duty of a citizen who knows of a crime?
19. Before whom is a man arrested for crime first taken?
20. What does the justice do if the charge is for a misdemeanor? What for a felony?
21. What is an indictment, and who draws it up?
22. What action does the grand jury take in regard to an indictment?
23. Give a brief outline of a trial for felony.
24. If a person is unlawfully imprisoned, what can he do?
25. What is the writ of habeas corpus?
26. Where did it originate, and how is it regarded?

CHAPTER VIII

THE PUBLIC SCHOOL SYSTEM

Preparatory Work. — Who teaches the public school in your neighborhood? What is the difference between a public school and a private school? Give the name of the superintendent of schools in your county or city, and tell whether he is appointed or elected. Who are the members of the board of school trustees in your district? How are positions to teach in the public school system secured?

History of Popular Education. — In 1796 the General Assembly enacted a law, proposed by Mr. Jefferson, which required each county to be divided into wards and districts and a sufficient tax to be levied to maintain elementary schools, academies, and a university. But it was left to the county courts to decide for their respective counties whether or not the law should go into effect; and this condition practically annulled the measure, for not a single county court decided in favor of putting it into operation. In 1810 the Literary Fund¹ was formed, and the revenue from this was

¹ The Literary Fund was formed from the proceeds of confiscations, escheats, sale of glebe lands belonging to the former colonial church, forfeitures, fines, etc. The fund was afterwards further increased by money received from the Federal government. In 1861 it amounted to \$2,260,000. In 1896 the fund aggregated \$2,275,649.28.

The law by which the University of Virginia was founded was, through the influence of Thomas Jefferson, passed by the General Assembly in 1819.

devoted exclusively to the education of poor white children till 1817, when under the influence of Mr. Jefferson a part of it, fifteen thousand dollars, was set aside annually for the permanent endowment of a university. After this, the remainder of the interest of the Literary Fund was applied to the education of poor white children; but the funds provided were insufficient for the needs of even this class. No adequate provision was made for public education till the adoption of the constitution of 1869, which required the General Assembly to establish a uniform system of public free schools. This was done during the session of 1869-70. The system, after it had been put into operation, grew rapidly in favor, and under its influence the percentage of illiteracy has been gradually diminishing.

Organization of the Public School System.—Each county is divided into from three to eleven magisterial districts, and each magisterial district into as many school districts as may be necessary. No school district, however, is formed with less than one hundred inhabitants. Cities are also divided into school districts, and a town may constitute a separate school district if the council so elects. Each school district is a corporation.

Officers of the System.—The public school system is administered through the following officers: A Board of Education, a superintendent of public instruction, county superintendents of public instruction, County School Boards, School Trustee Electoral Boards, and District Boards of School Trustees. The duties of these will now be briefly stated.

The Board of Education. — The Board of Education is a corporation that consists of the governor, the superintendent of public instruction, and the attorney general. It is the duty of this board to appoint all county and city superintendents and to remove them for cause, subject to confirmation by the Senate; to provide for uniformity of text-books and for the furnishing of schoolhouses with necessary apparatus and library; to prescribe the minimum number of pupils required to form a school; to hear appeals from the decision of the superintendent of public instruction; to make general regulations for conducting the system; to regulate, as the law provides, the management and investment of all school funds; to exercise such supervision of state schools of higher grades as the law provides; and to make a report to the General Assembly at each regular session.

The Superintendent of Public Instruction. — This officer is elected by the General Assembly upon joint ballot of the two houses to hold office for four years and till his successor is qualified. He is the chief executive of the public school system, and as such he is to a large extent responsible for its efficiency. It is his duty to explain the meaning of the school laws and to see that they are faithfully executed; to instruct school officers as to their duties; to prescribe the forms of registers and reports; to apportion the school funds among the counties and cities; to make tours of inspection to the public schools of the state; to decide appeals from decisions of county superintendents; to make an annual report to the Board of Education, giving detailed information in regard to the workings of the system; to

make suggestions to the Board of Education and to the General Assembly upon matters connected with the system; and to promote by all proper means an appreciation of education among the people and a desire for it.

The County Superintendent.—A superintendent for each county is appointed by the Board of Education, subject to confirmation by the Senate. He serves for a term of four years and till his successor is qualified. He is required to supervise and visit the schools in his county; to explain the school system upon all proper occasions; to promote an appreciation of education among the people and a desire for it; to examine and license persons who wish to teach; to promote the improvement and efficiency of teachers by all proper methods, under the direction of the superintendent of public instruction; to prepare annually, or oftener if it be necessary, under the direction of the superintendent of public instruction, a scheme for apportioning the state and county school funds among the school districts of the county; to decide all appeals or complaints touching the acts of persons connected with the school system in the county, subject to appeal to the superintendent of public instruction, and from him to the School Board; to require annually, or oftener if necessary, from the clerks of the boards of district school trustees, full statistics in regard to the public schools of their respective districts; to observe the directions and regulations of the superintendent of public instruction, and to report to him annually.

The County School Board.—The county superintendent of schools and the district school trustees con-

stitute in each county a corporation, called the County School Board, which has power to make contracts, to take and hold property, and to sue and be sued. All property to be applied to school uses in the county is vested in the County School Board, unless inconsistent with the grant or devise, upon such terms and conditions for its security as the county court shall prescribe. All such property the board is authorized, when not inconsistent with the terms of the grant or devise, to manage, and to apply the profits from it to educational purposes in the same manner and under the same restrictions as the general school fund is applied, except that a part of the profits may, if the board so decides, be used in the erection of schoolhouses or in the purchase of apparatus. In cases where money or other property is held by trustees for purposes of common school education, the board is charged with the duty of seeing that the trusts are properly administered, and it has authority to take all steps necessary to insure this.

The School Trustee Electoral Board. — This body is composed of the county judge, the commonwealth's attorney, and the county superintendent of schools. Its chief duty is to appoint annually, for each school district in the county, one school trustee, whose term of office is for three years; three having been appointed the first time for one, two, and three years respectively. This board is also authorized to remove from office any trustee who fails to qualify, or who does not discharge his duty, and to fill all vacancies that occur in the office of district school trustees.

The District Board of School Trustees. — The three trustees of each district form the District Board of School Trustees, of which one of the members is chairman and another clerk. This board is charged with the important duty of seeing that the details of the school system are carried out in the district. It is required to observe the school laws and regulations, to explain them and to enforce them; to employ teachers, and to dismiss them when delinquent; to suspend or dismiss pupils, when necessary; to supply text-books to children too poor to pay for them; to see that the school census is taken as prescribed by law; to call meetings of the people of the district for consultation in regard to school interests; to prepare annually and submit, on or before the 15th day of July, to the president of the County School Board, to be laid before the board at its earliest meeting, an estimate of the amount of money that will be needed in the district during the next school year, for providing schoolhouses, school books for indigent children, other school appliances, and necessary, proper, and lawful expenses; to take care of the school property of the district and to manage it; to visit from time to time the schools of the district so as to see that they are properly conducted; to make an annual report to the county superintendent; and to issue warrants on the county treasurer to pay teachers, the clerk of the board for his services, and all other school expenses, after all such claims have been examined and approved.

The clerk of the District Board is required every five years to take a census of all persons between the ages

of five and twenty-one years living in the district, and at the same time a separate census of all deaf and blind persons between the ages of five and twenty-one years; to keep the records of the proceedings of the board, and to discharge such other duties as may be assigned to him.

Teachers. — Every teacher must be examined by the county superintendent and receive a certificate of qualification before taking charge of a school. Teachers are required to make monthly reports and term reports to the county superintendent, also special reports when called on to do so, and to keep a daily register of facts pertaining to their schools in the manner prescribed by the Board of Education. For the better equipment of teachers for their work, the General Assembly has made provision for several Summer Normal Schools which are held annually.

Pupils. — Pupils between the ages of six and twenty-one years may attend the public schools free of cost. Persons between the ages of twenty-one and twenty-five are admitted if they prepay a tuition fee of one dollar per month. An enrollment of at least twenty pupils, with a reasonable assurance of an average daily attendance of that number, is required to constitute a public free school. White and colored children are taught in separate schools but under the same general regulations as to management, usefulness, and efficiency.

School Funds. — The funds which go annually to the support of the public schools consist of the following: —

QUESTIONS



1. State funds, embracing the annual interest on the Literary Fund, a capitation tax not exceeding one dollar per annum on every male citizen who has attained the age of twenty-one years, and of such tax on property not less than one mill nor more than five mills on the dollar, as the General Assembly shall from time to time order to be levied.

2. County funds, which embrace such taxes as the law authorizes the Board of Supervisors to levy on the people of the county, fines and penalties arising from the violation of certain school laws, and donations made to the county for school purposes.

3. District funds, which consist of such taxes as the law authorizes the Board of Supervisors to levy on the school district, fines and penalties arising from the violation of certain district regulations and donations made to the district for school purposes.

City Schools. — The provisions for public schools in cities and towns are essentially the same as those for the county. In each city containing a population of ten thousand and upwards, there is a city superintendent of public instruction, and in other respects the school organization is the same as that for the county, the corresponding officers having also similar duties.

QUESTIONS

1. What law did the General Assembly pass in 1796 in regard to public education?
2. Why did the law not go into operation?
3. When was the Literary Fund formed, and how was all the interest at first used?

4. In 1817 how much of the interest was applied to the endowment of the University, and how was the remainder used?
5. When was adequate provision made for public education?
6. Into how many school districts is each magisterial district divided?
7. Tell about the division of cities and towns into school districts.
8. What officers administer the public school system?
9. What state officers form the Board of Education, and what are the chief duties of this board?
10. How is the superintendent of public instruction elected, and what are his chief duties?
11. How is the county superintendent appointed, and what are his duties?
12. Who compose the County School Board?
13. What powers has this board?
14. What are its duties in regard to property to be applied to school uses?
15. Who compose the School Trustee Electoral Board, and what is the chief duty of this board?
16. How is the District Board of School Trustees formed?
17. With what important duty is this board charged?
18. Name some of its special duties?
19. What is the clerk of the District Board of School Trustees required to do every five years?
20. By whom must every applicant to teach be examined? What certificate must be obtained?
21. What provision has the General Assembly made for the improvement of teachers?
22. Who can attend public schools as pupils, and how many pupils are necessary to form a school?
23. What do the state funds for public schools embrace?
24. What constitute the county funds? What the district funds?
25. What is said of the provisions for city schools?
26. When may a city have a city superintendent of schools?

CHAPTER IX

ELECTIONS

The Right of Suffrage. — A characteristic feature of a free state is that the people are allowed to take part in the government, and this right is usually one of the first guaranteed by the constitution. The political power possessed by the people consists chiefly in the right of suffrage, by which is meant the right to vote in the election of officers and in deciding public questions. This right does not belong to all the people, but only to such as possess qualifications that are deemed necessary.

Qualifications Required. — The right of suffrage is granted to every male citizen of the United States, twenty-one years of age, who has been a resident of Virginia twelve months, and of the county, city, or town in which he offers to vote three months next preceding any election in which he proposes to take part. The following classes of persons, however, though they have the qualifications mentioned above, are excluded from voting: 1. Idiots and lunatics. 2. Persons convicted of bribery in any election, embezzlement of public funds, treason, felony, or petit larceny. 3. All persons who, while citizens of Virginia, have, since the adoption of the present constitution, fought a duel or in any way knowingly aided

others to do so, unless the General Assembly has by a two-thirds vote removed the disability thus incurred.

Qualified voters are entitled to vote for members of the General Assembly and for all officers elected by the people.

The Election System. — For convenience to the people and to save expense, the same voting places are used for all elections, and officers of different kinds are elected at the same time. All elections are conducted upon the same general plan and by the same election officers. Magisterial district officers and county officers are elected on the fourth Thursday in May, state and Federal officers on the Tuesday after the first Monday in November. Notices of special elections in counties are given by sheriffs and in cities by sergeants. Elections in towns are made known by the sheriff.

Election Officers. — The duty of carrying out the election laws is discharged by the Board of State Canvassers, an Electoral Board for each county and city, a Board of Commissioners of Election for each county and city, and precinct judges and clerks.

Board of State Canvassers. — This board is composed of the governor, the secretary of the commonwealth, the auditor of public accounts, the state treasurer, and the attorney general, or any three of these. Its chief duty is to examine the election returns for state and Federal officers and determine the results.

County and City Electoral Boards. — Each county and city has an electoral board of three members, who are elected by the General Assembly at each alternate regular session, the first having been elected in December,

1889. They serve for four years and go into office on the first day of January after their election. The board chooses one of its members to be president, and another to be secretary, and holds a regular session annually in the month of April. It appoints election judges, commissioners of election, and registrars. It is also charged with the duty of having ballots printed and delivered at the voting places before each election.

Election Districts. — Each magisterial district of a county, and each ward of a city, constitutes an election district or precinct, and for each precinct there is but one voting place. If it is found to be necessary, a magisterial district and also a ward may be divided into more precincts than one.

Precinct Officers. — Each precinct has three judges and two clerks. The judges are appointed by the Electoral Board of the county or city annually before the first day of March, and whenever it is possible they are selected from different political parties. They serve for one year, and conduct all elections that take place in their precinct during their term of office. The judges appoint the two clerks for their voting place. No person, if a candidate for an office, can serve as judge or clerk of elections.

Commissioners of Election. — Each county and city has a Board of Commissioners of Election of five members, any three of whom can act. It is appointed by the Electoral Board of the county or city, and the members are selected from the judges of election. Its duty is to canvass the election returns of its county or city.

Registration. — To prevent illegal voting, the Electoral Board of each county and city appoints for each

precinct an officer, called a registrar, to enroll the names of persons entitled to vote, in books provided for the purpose. It is the duty of the registrar to be at his precinct every year on the second Tuesday in May to register all voters, not previously registered, and, ten days before the November elections, to give one day to amending and correcting the list of voters. At this time, also, any qualified voter may register. The registrar is required by law at any time, previous to the regular registration days, to register any voter who may apply to him. The registrars are appointed before the first day of May, and serve for a term of two years. The first were appointed under the present law in 1889. No person is allowed to vote unless he has registered.

Election Supplies.—Registration books and poll books, that is, books in which are enrolled the names of persons as they vote, are furnished for each precinct by the secretary of the commonwealth. The electoral boards have the ballots printed. These contain the names of all candidates that have complied with the requirements made of them by law, printed in black ink, and in separate lines below, the office for which they offer themselves. The electoral boards affix to the ballots official seals, and put them up in sealed packages, making for each precinct a package containing twice as many ballots as the precinct has registered voters. The packages are kept by the secretaries of the electoral boards till a few days before the election, when they are delivered to the precinct judges. When a president and vice president are to be elected, the electoral boards

have printed, on the official ballots, the name of each candidate for president and vice president, and group, under the names of the candidates for president and vice president of each political party, the names of the electors nominated by the political party of such candidates. None but sworn officers are allowed to see the official ballots till election day in order to prevent any one from cheating by having similar ballots printed.

Voting Places.—The voting places, called also polls, are kept open for one day—from sunrise to sunset. The law directs the electoral boards to provide at each voting place one or more small compartments or booths large enough to conceal a voter from general observation. Each booth must be supplied with a desk or other convenience for writing and also with pen and ink. It must likewise be arranged so that a person standing in it at the desk will be wholly excluded from the observation of the clerks, judges of election, and other persons.

At the Polls.—Each voter, as he presents himself, is furnished with an official ballot by one of the judges. This he takes within the booth and prepares it by drawing a pen or pencil through the names of the candidates he does not wish to vote for, leaving the names of the candidates he does wish to vote for unscratched. If a president and vice president are to be elected, the voter prepares his ballot by marking out the names of the candidates for president and vice president he does not wish to vote for, but leaves the electors unscratched. Having prepared his ballot, he folds it with the names of the candidates on the inside, and hands it to one of

the judges, who pronounces the name of the voter in an audible voice, and deposits the ballot in the box. The name of the voter is then checked on the registration book by one of the judges, and entered by the clerks of election in the poll book.

Challenging. — When a person offers to vote, the judges or any qualified voter may challenge him if it is supposed that he is not entitled to exercise the right of suffrage. A person who has been challenged is not allowed to vote till the challenge is withdrawn, or his right to vote is proved by others, or sworn to by himself.

Counting Votes. — After the polls have been closed, the judges count the number of ballots, and, if it exceeds the number of names enrolled on the poll books, a number of ballots equal to the excess is selected by lot and destroyed. If any voter casts two ballots by folding them together, these are also destroyed; and if by the destruction of fraudulent votes the number of ballots is reduced below the number of names on the poll books, the cause of the reduction is stated. The poll books are then signed by the judges and attested by the clerks. This being done, the judges read the ballots, and count the votes cast for each candidate. Two persons, friendly to each political party, are allowed to witness the counting.

The Returns. — When the results have been determined, they are written down in full in the poll books, after which the books are sealed, and together with the ballots, which are strung on a cord, are delivered on the day after the election by one of the judges to the clerk of the county or corporation. On the second day after

the election, the commissioners of election meet at the clerk's office, and ascertain from the returns the persons who have received the greatest number of votes in the county or corporation for the several offices to be filled. The clerk then makes out certificates of election for each of the persons receiving the highest number of votes for any county, corporation, or district office, and transmits to the secretary of the commonwealth abstracts of all the votes cast for state officers, members of the General Assembly, and Federal officers. On the fourth Monday in November after the election, the Board of State Canvassers meets and canvasses the abstracts received from all the counties and cities. As soon as this has been done, the secretary of the commonwealth sends to each of the persons who has been elected, except the attorney general, who is commissioned by the governor, a certificate of election.

QUESTIONS

1. What is a characteristic right of free government?
2. In what right does the political power possessed by the people chiefly consist, and what is meant by this right?
3. What qualifications are required for an exercise of the right of suffrage?
4. What persons are excluded from voting, though they possess the usual qualifications?
5. Why are the same voting places used for all elections?
6. When are county and district officers elected, and when are state and Federal officers elected?
7. How are notices of special elections given?
8. What officers carry out the election laws?
9. Who compose the Board of State Canvassers, and what are the duties of this board?

10. How are county and city electoral boards elected, and how long do they serve?
11. When do these boards hold their annual meeting, and what are their duties?
12. What is meant by an election district or precinct?
13. Who are the precinct officers, and how are they appointed?
14. How long do they serve, and what are their duties?
15. When is the Board of Commissioners of Elections appointed, and what is its duty?
16. What is the object of registration?
17. What are the duties of the registrar?
18. How are election supplies obtained?
19. What boards have the ballots printed, and what names are put upon them?
20. How many ballots are put in a package for each precinct?
21. What officer keeps the package, and to whom does he deliver it a few days before an election?
22. When a president and a vice president of the United States are to be elected, what do the electoral boards have printed on the official ballots?
23. What are the voting places called, and how long are they kept open?
24. What does the law require to be provided at each voting place?
25. Tell what a voter has to do when he goes to the polls.
26. Explain what is meant by challenging.
27. Who counts the ballots?
28. If the number of votes cast in any election exceeds the number of enrolled voters, what is done? If any voter casts two ballots, what is done?
29. After the results have been determined at a precinct, what is done with the poll books and the ballots?
30. Who determine the results for a county or a corporation?
31. What abstracts of elections are sent to the secretary of the commonwealth, and what board determines the result for the state?

CHAPTER X

POLITICAL PARTIES

Origin of Political Parties in the United States. — When the Constitution of 1787 was submitted to the states for ratification, those who favored it were called Federalists, and those who opposed it Anti-Federalists. This was the first real division of the people into political parties. The Federalists triumphed by securing the adoption of the Constitution; and no sooner had this been done than they began to advocate the formation of a strong national government by giving to the United States all the power that a loose construction of the language of the Constitution would allow. On the other hand, those who had opposed the adoption of the Constitution advocated the restriction of the powers of the Federal government strictly to the letter of the law as laid down in the Constitution. This line of division has run through our political history ever since we dissolved our allegiance with Great Britain.

Parties a Benefit. — Opposing parties are always found in countries where people take part in the government, and are free to think and act for themselves. It is well both for our state and our nation that people should divide upon questions of public interest, for this causes errors in the administration of affairs to be more closely watched and more speedily remedied.

Advantages of Organization. — The aim of every party is to secure the triumph of its principles, and this can be done only by the election of men to public offices who will carry them out. Hence arises the necessity for organization on the part of those who agree upon the more important issues which a party advocates, so that unity of action may be secured.

How a Party is organized. — The organization of a party is usually effected through committees, which exercise authority over well-defined areas. The general interests of the party in the state are looked after by a state committee. Then there are city committees, county committees, etc. A perfectly organized party will even have a committee for each precinct.

Work done by Committees. — Each committee looks after the interests of the party in the area for which it was organized. Committees plan the campaign, call conventions to nominate candidates, arrange for primary elections, secure speakers, distribute campaign literature, and influence voters.

The Primary Meeting. — Local meetings, held by the adherents of a political party for the purpose of appointing delegates to attend nominating conventions, are called primary meetings. In these meetings, as a rule, only persons who supported the party ticket at the last general election, or who indicate their purpose to support it at the next election, are allowed to vote.

The Primary Election. — The primary election is held to select delegates to a convention, or for the purpose of directly nominating candidates to be voted for. It is really a formal primary meeting, in which the election

is conducted in a manner prescribed by law. There is no general law in Virginia for the holding of primary elections; but, for a number of cities and for a few of the counties, special laws have been passed which provide for them.

Caucus. — Frequently before a primary meeting or primary election, the representatives of a political party hold a private meeting for the purpose of bringing about the nomination of some particular candidate. This is called a caucus. In legislative bodies also the members of the same political party often hold a caucus to devise plans to promote party interests.

Nominating Candidates. — Candidates to represent a party are usually selected by conventions, which are representative bodies made up of delegates chosen in primary meetings. Candidates for state offices are nominated by a state convention, candidates for the state Senate by conventions held in the senatorial districts, candidates for the House of Delegates by conventions held in the representative districts, candidates for the county offices by a county convention, candidates for the House of Representatives of the United States by conventions held in the congressional districts.

The Unit Rule. — Sometimes the delegates to a convention are instructed to vote together in making nominations. This is called the unit rule. At other times they are left free, each one to vote as he deems best.

The National Convention. — Once in four years each of the great parties holds a convention to nominate candidates for president and vice president. This is composed of delegates from all the states, each state being

allowed to send two delegates for each congressional district and four for the whole state, called delegates at large.

Party Platforms. — Each political party, when it makes nominations for president and vice president, publishes a declaration of its principles. This is called a platform. The state convention usually adopts the national platform as its own, with such additions as local interests seem to demand.

QUESTIONS

1. Who were the Federalists, and the Anti-Federalists?
2. After the Constitution of the United States had been adopted, what did the Federalists begin to advocate?
3. What did those who had opposed the adoption of the Constitution hold?
4. Where are opposing parties always found?
5. Why are political parties a benefit?
6. What is the aim of every party, and how can it be best attained?
7. Why is organization necessary?
8. How is a party organized? Name some of the usual committees.
9. What work is done by committees?
10. What is a primary meeting?
11. In such meetings, what persons usually vote?
12. What is a primary election?
13. What is said of primary elections in Virginia?
14. What is a caucus?
15. How are candidates usually selected?
16. What is the unit rule?
17. How often does each great political party hold a convention to nominate candidates for president and vice president of the United States?
18. How many delegates is each state allowed to send to such conventions?
19. What are party platforms?
20. What platform does a state usually adopt?

CHAPTER XI

TAXATION

What are Taxes? — The feature of government that is most familiar to all the citizens is its power to levy taxes. Indeed, this may be called its most characteristic feature; for if, in any country, there is doubt as to the ruling power, we have only to find out the person or persons whom the people recognize as having authority to tax them, and we at once know the government they recognize. What, then, are taxes? Every government takes from its citizens a part of their private property to pay for the benefits it confers upon them. This is taxation, so that a tax may be defined as a sum of money taken from a citizen for public uses.

Reasons for Taxes. — The government does many things for the welfare of its citizens which benefit one as much as another. The different state, county, town, and city officers must be paid for their services. Public buildings must be erected, salaries paid to school-teachers, roads kept in good order, and many other things done for the public good. All must be paid for, and it is the duty of the government to raise money from the people to pay for such objects.

What is Taxed. — Taxes are assessed on persons, on property, and on privileges. A tax on persons is called a capitation, or poll tax, and is placed only on male

inhabitants over twenty-one years of age. Real estate and the buildings on it are taxed, and so is personal property. All ready money, stocks, bonds, money due to persons, agricultural implements, mechanics' tools, furniture, pictures, books, etc., are classed as personal property. Thus this kind of property includes almost all a person can own except real estate. Taxes on privileges are those charged for granting to persons and to corporations the right to carry on certain kinds of business. For example, every express company, merchant, and book agent has to pay a privilege or license tax. The government derives some revenue also from fines.

Property exempt from Taxation. — Some property is for reasons of public policy exempt from taxation, such as public property belonging to a county, city, town, to the state, and to the United States; property owned by charitable, benevolent, and literary institutions, public school property, burial grounds, and property belonging to religious denominations, also the libraries of licensed ministers of the gospel.

Objects for which Taxes are assessed. — 1. The chief objects for which the state raises money are to pay the salaries of the state officers and of members of the General Assembly; to support benevolent, charitable, and literary institutions; to carry on works of internal improvement; to support the public school system; and to provide for paying the interest and the principal of the state debt. 2. The main objects for which counties levy taxes are to pay county officers, to maintain jails and poorhouses, to build roads and

bridges, to raise money for county school purposes, and to pay general county expenses. 3. Towns and cities lay taxes on the people for various objects such as to erect public buildings, waterworks and gasworks, to build schoolhouses, to lay streets, etc.

The Assessment of Taxes. — From the land books and the personal property books, prepared by the commissioners of the revenue, the total valuation of the taxable property of each county and corporation can be readily ascertained. At the present time (1898), the state tax upon all real and personal property is thirty cents upon every hundred dollars of assessed value for the support of the government, and ten cents upon every hundred dollars of assessed value for the state public school fund. The levies for county needs and for county school purposes are made by the boards of supervisors. The state and county taxes being known, it is easy to ascertain the total rate of taxation for the different counties and corporations, and the taxes of each person can then be correctly assessed from the valuation of his property. The school taxes are kept separate from the other taxes. The constitution states that no greater amount of tax shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the existing indebtedness of the state.

Equalization.¹ — The constitution provides that all taxes whether imposed by the state, by a county, or

¹The constitution says that the board of supervisors "shall equalize the valuation of property;" but the statute law authorizes the courts to do this, and they are always applied to when relief is needed from unjust assessments.

by a corporation shall be equal and uniform, and that all property, both real and personal, shall be taxed in proportion to its value. Sometimes, however, assessments are carelessly made and at other times errors are made. To prevent injustice from such causes, the General Assembly has passed a law authorizing any person who feels that his property has been erroneously assessed to apply for relief, within a certain time, to the court in which the commissioner who made the assessment qualified.

QUESTIONS

1. Why may taxation be called the most characteristic feature of government?
2. What are taxes?
3. Why has government a right to levy taxes?
4. What are poll taxes?
5. What kinds of property are taxed?
6. What are taxes on privileges?
7. What property is exempt from taxation?
8. What are the chief objects for which the state levies taxes?
9. For what purposes do counties, towns, and cities levy taxes?
10. How is the valuation of the taxable property of each county and corporation ascertained?
11. What is the present state tax for the support of the government? What for public schools?
12. How are the levies for county needs and for county school purposes made?
13. The rate of taxation being known, how are each citizen's taxes assessed?
14. How does the constitution restrict taxation?
15. What does the constitution provide in regard to taxes?
16. If a man's property has been erroneously assessed, how can he obtain relief?

CHAPTER XII

THE GOVERNMENT OF VIRGINIA IN OUTLINE

Virginia, the First Constitutional Government in America. — A government carried on under a constitution is called a constitutional government. To Virginia belongs the honor of being the first constitutional government in America. On June 29, 1776, before the Declaration of Independence was made, she declared herself to be an independent commonwealth, and adopted a constitution. The famous Bill of Rights, contained in this early constitution, may well be called the Magna Charta of American liberties. This constitution was revised in 1829, in 1850, and in 1869; but with the exception of the abolition of slavery, changes in regard to the right of suffrage, and in the method of electing governors and other officers, it remains substantially the same as in 1776. The constitution contains a preamble, twelve articles, and a schedule.

Preamble. — The preamble gives an account of the oppressive acts of George the Third, which led to the formation of the government of Virginia, of the conventions that revised the constitution in 1829 and in 1850; and states the reasons, growing out of the Civil War, which led to the remodeling of the constitution in 1869.

Article I. — This article, consisting of twenty-one sections, makes a formal declaration of rights, belonging

to the people of Virginia and to their posterity, upon which the government is based. From it are taken the following extracts, which express so well the foundation of republican freedom that nothing can be added to them.

“All men are by nature equally free and independent, and have certain inherent rights, of which when they enter into a state of society they cannot by any compact deprive or divest their posterity, — namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” “All power is vested in, and consequently derived from, the people.” “No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.” “The freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.” “No free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, and virtue, and by a frequent recurrence to fundamental principles.” “Religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience.”

Article II. — This article has but one section, which directs that the government shall be divided into three departments, — the legislative, the executive, and the judicial, — and that these shall be kept separate.

Article III. — This article contains five sections, which treat of the qualifications citizens must possess in order to be entitled to exercise the right of suffrage, and of qualifications for office. It gives also the oath all officers must take before entering upon their duties.

Article IV. — This article comprises seventeen sections, which are on the executive department. It declares that the chief executive authority shall be vested in a governor, and that the other executive officers shall be a lieutenant governor, a secretary of the commonwealth, a treasurer, and an auditor. It further tells how these officers are to be elected, and defines their duties in a general way. It also gives the General Assembly power to establish a Bureau of Agriculture and Immigration.

Article V. — This article has twenty-four sections. It describes the legislative department of the government, declaring that it “shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.” It then gives the requisite qualifications of senators and delegates, and defines the powers and duties of the General Assembly.

Article VI. — This article consists of twenty-six sections. It treats of the judicial department of the government, which it vests in a supreme court of appeals, circuit courts, and county courts. It then makes provision for the government of cities, enumerating their

officers, and giving the method by which they are to be elected.

Article VII. — This Article has five sections, and it gives the county organizations, telling what officers are to administer county affairs, and explaining the method by which they are to be elected.

Articles VIII, IX, and X. — Article VIII has twelve sections. It deals with the subject of education, and makes provision for the introduction and support of the public free school system. Article IX treats of the militia, and Article X of taxation and finance.

Article XI. — This article has nine sections, and it is devoted to miscellaneous subjects. It provides that every householder or head of a family can hold a homestead valued at two thousand dollars free from seizure on account of any debts, except those for the purchase price of the property, for the services of a laboring man or a mechanic, for taxes, for the legal or taxable fees of a public officer, for liabilities incurred as a public officer, as an officer of a court, or as a fiduciary, and for rent for the property or for mortgages on it. It also declares that the rights of ecclesiastical bodies to church property conveyed to them by regular deed of conveyance shall not be affected by the Civil War, and guarantees to the children of former slaves the right to inherit property from their fathers.

Article XII. — This article which has but two sections tells how future changes can be made in the constitution.

1. For amendments, the following method is adopted : Any amendment to the constitution may be proposed

in the Senate and House of Delegates, and if agreed to by a majority of the members elected to each house, it is to be referred to the General Assembly, to be chosen at the next general election of senators and members of the House of Delegates. Before this election, the proposed amendment must be published for three months. If agreed to by a majority of all the members elected to the General Assembly to which it is referred, it is submitted after this to the people, and, if ratified by them, it becomes a part of the constitution.

2. For its own revision, the Constitution provides that at the general election to be held in the year 1888, and in each twentieth year thereafter, and also at such time as the General Assembly may by law provide, the question "Shall there be a convention to revise the constitution and amend the same?" shall be decided by the voters of the state, and that, if the people vote in favor of a convention, the General Assembly shall at its next session provide by law for the election of delegates to such convention. On March 4, 1896, the General Assembly, in response to a desire expressed by a portion of the people for a new constitution, passed an act to submit the question of the calling of a convention to the voters of the state on the fourth Thursday in May, 1897. This was accordingly done, but the people decided against the calling of a convention.

The Schedule.—This contains provisions that were designed to carry the constitution into complete operation, and to prevent any inconvenience arising from changes that had been made.

QUESTIONS

1. What is a constitutional government?
2. What honor belongs to Virginia?
3. At what time did she declare herself to be an independent commonwealth?
4. What may her Bill of Rights be called?
5. How many times has Virginia's constitution been revised, and what changes have been introduced?
6. What does the introduction contain?
7. What declaration is made in the first part of the constitution?
8. Mention some of the rights upon which republican freedom is founded.
9. Into what three departments does the constitution require the government to be divided?
10. What qualifications must a citizen possess in order to exercise the right of suffrage?
11. In what officers is the executive power chiefly vested?
12. In what is the legislative department vested?
13. What courts compose the judicial department?
14. Does the constitution provide for county organization?
15. Does it make provisions for the public school system?
16. What property is every householder allowed to retain free from seizure for debt?
17. What rights are guaranteed by the constitution to ecclesiastical bodies, and what to the children of former slaves?
18. How can amendments to the constitution be made?
19. What is meant by the schedule of the constitution?

CHAPTER XIII

RELATIONS OF THE STATE AND THE NATION.

The State and the Nation. — Each state is independent in its own sphere of action, but is subordinate to the national government. The supreme law for the whole country is to be found in the Constitution, in the laws, and in the treaties of the United States. No state has power to annul these. The Civil War settled the much-disputed question of the relations of the state and the nation, and the decision was in favor of the supremacy of the nation. The present state constitution, ratified by the people in 1869, declares that Virginia "shall ever remain a member of the United States of America, and that the people thereof are a part of the American nation, and that all attempts from whatever source or upon whatever pretext, to dissolve said union or to sever said nation, are unauthorized and ought to be resisted with the whole power of the state."

Each State takes Part in the National Government. — Each state, as a constituent member of the Union, takes part in carrying on the national government. The people of each elect members to the national House of Representatives, the legislature of each elects national senators, and each state appoints its share of the electors of the president and vice president.

The National House of Representatives. — Representatives of the national House are apportioned by Congress among the states in proportion to population, once in ten years, and for their election the law directs that each state shall be divided into districts, contiguous in territory, and as nearly equal in inhabitants as possible. The boundaries of these districts are fixed by the state legislature, and each district chooses one representative. The last apportionment of representatives was made in 1890, and it gave Virginia ten. Elections of representatives are held every two years in all the states on Tuesday after the first Monday in November, these elections occurring in 1896, 1898, etc. If a vacancy occurs in the office of representative, a special election is ordered by the governor to fill it.

United States Senators. — In the Senate of the United States, all the states are equal in power. Each is entitled to two members, who are elected by the legislature and serve for a term of six years.

Presidential Electors. — The president and vice president are elected by electors chosen by the states. Each state has as many of these as it has senators and representatives in Congress, and so Virginia is entitled to twelve. The method of selecting presidential electors is fixed by each state, but at the present time they are chosen in all the states by popular vote. By a law of Congress all presidential electors are appointed on Tuesday after the first Monday in November, the elections occurring at intervals of four years, 1896, 1900, etc.

Method of holding National Elections. — National elections are conducted by the state officers, and upon the

same method as the state prescribes for holding its own elections. The qualifications of voters are also the same as those prescribed for state elections.

The State Militia. — The Constitution of the United States gives Congress authority to organize, arm, and discipline the state militia, and to direct its movements when employed in the national service for executing the laws of the Union, for suppressing insurrections, and for repelling invasion.

Reciprocal Duties of the State and the Nation. — The state and the nation should faithfully discharge the duties that one owes to the other. The state should elect senators, representatives, and presidential electors, and cordially coöperate with the nation in all efforts made to secure good government. The nation should, on its part, give to all the states alike adequate protection. The Constitution of the United States requires the nation to guarantee to every state in the Union a republican form of government, and to protect each one of them against invasion and against domestic violence also, when called on by the state authorities to do so.

Powers of Government delegated. — The states, in forming the nation, delegated some powers to the national government, the chief ones being the powers to coin money, to carry on a mail service, to make tariff laws, to grant patents and copyrights, to declare war, and to support a navy. Such powers as these belong to the national government.

QUESTIONS

1. In what sphere is a state independent, and to what is it subordinate?
2. What disputed question did the Civil War settle, and what was the decision reached?
3. What does the present constitution of Virginia declare in regard to the state?
4. How do the people in each state take part in the national government?
5. In what way are members of the national House of Representatives apportioned among the states?
6. What does the law direct in regard to districts?
7. How are the boundaries of districts fixed, and how many representatives are chosen from each district?
8. How many representatives has Virginia, and when are they elected?
9. How many members is each state entitled to have in the United States Senate?
10. How are the president and the vice president elected?
11. How many presidential electors has each state?
12. What is the method of electing the presidential electors?
13. At what time do these elections occur, and at what intervals?
14. What is the method of holding national elections?
15. What authority has Congress in regard to the state militia?
16. What are the reciprocal duties of the state and of the nation?
17. What powers are delegated by the states to the nation?

APPENDIX

GOVERNMENT OF STATE INSTITUTIONS.

Virginia is well supplied with educational, humane, and penal institutions, as the following list will show: —

The University of Virginia, Charlottesville. — Governing authority, a board of nine visitors, appointed by the governor with the consent of the Senate; they hold office for four years, but do not all go out at the same time. They elect one of their number rector.

The Virginia Military Institute, Lexington. — Governing authority, a board of eleven visitors, nine of whom are appointed by the governor subject to confirmation by the Senate; they hold office for three years, but do not all go out at the same time. The adjutant general and the superintendent of public instruction are the other members of the board.

Virginia Polytechnic Institute. — Governing authority, a board of nine visitors, eight of whom are appointed by the governor with the advice and consent of the Senate; they hold office for four years, but do not all go out at the same time. The superintendent of public instruction is *ex officio* a member of the board, making the ninth.

College of William and Mary and State Normal School, Williamsburg. — Governing authority, ten visitors provided for in the charter of William and Mary College, who fill all vacancies in their number, and ten additional and associate visitors appointed by the governor, who fill any vacancies among the associate visitors. The ten visitors and the ten associate visitors constitute the board of visitors.

The State Female Normal School, Farmville. — Governing authority, a board of fourteen visitors. The superintendent of public instruction is *ex officio* a member of the board. Vacancies in the board are filled by the governor.

The Institution for the Deaf and Dumb and Blind, Staunton. — Governing authority, a board of nine directors appointed by the

governor subject to confirmation by the Senate; they hold office for three years, but do not all go out at one time.

The Miller Manual Labor School of Albemarle. — The governor, the attorney general, the superintendent of public instruction, and the second auditor constitute the board of trust of the Miller Fund, which endows the school. The school is managed and controlled through the agency of the county court of Albemarle.

The Hampton Normal and Agricultural Institute. — Governing authority, a board of trustees, never less than nine nor more than seventeen. The board fills its own vacancies. This school is for the benefit of colored persons and Indians of both sexes.

The Virginia Normal and Collegiate Institute, Petersburg. — Governing authority, nine visitors, eight of whom are appointed by the governor with the consent of the Senate; they hold office for four years. The superintendent of public instruction is *ex officio* a member of the board, making the tenth. This institution is designed for the higher education of colored youth.

Humane Institutions. — Virginia has four institutions where patients suffering from mental derangement are cared for and skillfully treated: the Western State Hospital, Staunton; the Eastern State Hospital, Williamsburg; the Southwestern State Hospital, Marion; and the Central State Hospital, Petersburg (for colored patients). The governing authority of each of these is a board of nine directors, appointed by the governor with the advice and consent of the Senate; they hold office for three years, but do not all go out at once.

Almshouses. — Every county and corporation is required to make provision for the needy. The county poorhouse is generally on a farm furnished by the county.

Penal Institutions. — The penitentiary at Richmond is under the care of a superintendent and a board of directors. The superintendent is elected by the legislature, and the directors are appointed by the governor. Every county has a jail, and so have all cities and large towns. The county jails are under the control of the sheriffs, and those in cities and towns under the care of sergeants.

The Laurel Industrial School. — This institution was opened in 1890 by the Prison Association of Virginia. Insubordinate and bad white boys are received at this school, and are thus saved from the degradation of prison life. The purpose of the school is to reform and educate those committed to its care, and to help them to become intelligent, honest, and industrious citizens of the commonwealth.

JUDICIAL CIRCUITS

Virginia is divided into seventeen judicial circuits, as follows : —

First Circuit. — The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, and the cities of Norfolk and Portsmouth.

Second Circuit. — The counties of Brunswick, Chesterfield, Dinwiddie, Greensville, Nottoway, Prince George, Sussex, Surry, and the city of Petersburg.

Third Circuit. — The counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Mecklenburg, Powhatan, Prince Edward, and Appomattox.

Fourth Circuit. — The city of Danville and the counties of Franklin, Halifax, Henry, Patrick, Pittsylvania, Campbell, and city of Lynchburg.

*Sixth Circuit.*¹ — The counties of Albemarle, Culpeper, Goochland, Fluvanna, Madison, Orange, Greene, Amherst, and Nelson.

Seventh Circuit. — The county of Henrico and the city of Richmond.

Eighth Circuit. — The counties of Accomac, Northampton, York, Elizabeth City, Warwick, James City, New Kent, Charles City, and the cities of Williamsburg and Newport News.

Ninth Circuit. — The counties of Essex, King William, King and Queen, Northumberland, Lancaster, Gloucester, Mathews, and Middlesex.

Tenth Circuit. — The counties of Caroline, Hanover, King George, Louisa, Richmond, Spottsylvania, Stafford, Westmoreland, and the city of Fredericksburg.

Eleventh Circuit. — The counties of Alexandria, Fairfax, Fauquier, Loudoun, Prince William, Rappahannock, and the city of Alexandria.

Twelfth Circuit. — The counties of Clarke, Warren, Frederick, Shenandoah, and Page.

Thirteenth Circuit. — The counties of Augusta, Rockbridge, Rockingham, Bath, Highland, and Alleghany.

¹ The Fifth Judicial Circuit was abolished by act of the Legislature, February 5, 1896.

Fourteenth Circuit. — The counties of Botetourt, Roanoke, Craig, Montgomery, and Floyd.

Fifteenth Circuit. — The counties of Wythe, Pulaski, Giles, Carroll, Bland, and Tazewell.

Sixteenth Circuit. — The counties of Washington, Smyth, Grayson, and Russell.

Seventeenth Circuit. — The counties of Scott, Lee, Wise, Dickenson, and Buchanan.

Eighteenth Circuit. — The county of Bedford and the city of Roanoke.

COLONIAL GOVERNORS

FROM SETTLEMENT OF VIRGINIA TILL REVOLUTION

- | | |
|--|---|
| 1. 1607. Edward Maria Wingfield (Pres.). | 25. 1677. Herbert Jeffries (Lt. Gov.). |
| 2. 1607. John Ratcliffe (Pres.). | 26. 1677. Herbert Jeffries. |
| 3. 1608. John Smith (Pres.). | 27. 1678. Henry Chicheley. |
| 4. 1609. George Percy (Pres.). | 28. 1678. Thomas, Lord Culpeper. |
| 5. 1609. Thomas West, Lord Delaware. | 29. 1680. Henry Chicheley (Lt. Gov.). |
| 6. 1611. Thomas Dale (High Marshal). | 30. 1684. Lord Howard of Effingham. |
| 7. 1616. George Yeardley (Lt. Gov.). | 31. 1689. Nathaniel Bacon (Lt. Gov.). |
| 8. 1617. Samuel Argall (Lt. Gov.). | 32. 1690. Francis Nicholson. |
| 9. 1619. George Yeardley. | 33. 1692. Edmund Andros. |
| 10. 1621. Francis Wyatt. | 34. 1698. Francis Nicholson. |
| 11. 1626. George Yeardley. | 35. 1704. Earl of Orkney. |
| 12. 1627. Francis West. | 36. 1705. Edward Nott (Lt. Gov.). |
| 13. 1628. John Potts. | 37. 1706. Edmund Jennings (Lt. Gov.). |
| 14. 1629. John Harvey. | 38. 1710. Robert Hunter (Lt. Gov.). |
| 15. 1635. John West. | 39. 1710. Alexander Spotswood (Lt. Gov.). |
| 16. 1635. John Harvey. | 40. 1722. Hugh Drysdale (Lt. Gov.). |
| 17. 1639. Francis Wyatt. | 41. 1726. Robert Carter (Lt. Gov.). |
| 18. 1641. William Berkeley. | 42. 1727. William Gooch (Lt. Gov.). |
| 19. 1645. Richard Kemp (Lt. Gov.). | |
| 20. 1645. William Berkeley. | |
| 21. 1652. Richard Bennet. | |
| 22. 1656. Edward Diggs. | |
| 23. 1658. Samuel Matthews. | |
| 24. 1660. William Berkeley. | |

43.	1749.	John Robinson, Sr. (Lt. Gov.).	48.	1758.	Francis Fauquier.
44.	1749.	Lord Albemarle.	49.	1768.	John Blair (Lt. Gov.).
45.	1750.	Louis Burwell (Lt. Gov.).	50.	1768.	Norborne Berkeley de Botetourt.
46.	1752.	Robert Dinwiddie (Lt. Gov.).	51.	1770.	William Nelson (Lt. Gov.).
47.	1758.	John Blair (Lt. Gov.).	52.	1772.	John, Lord Dunmore.

GOVERNORS OF VIRGINIA FROM 1776

1. **Patrick Henry**, elected 1776, Patriot or Whig. Born, Hanover County, April 2, 1736. Died, Charlotte County, June 6, 1799, aged 63.
2. **Thomas Jefferson**, elected 1779, Patriot or Whig. Born, Albemarle County. Died July 4, 1826. Aged 83.
3. **Thomas Nelson**, elected 1781, Patriot or Whig. Born, Yorktown, December 26, 1738. Died, Hanover County, January 4, 1789, aged 51.
4. **Benjamin Harrison**, elected 1781, Patriot or Whig. Born at Charles City County, —, 1740. Died, Charles City County, —, 1791, aged 51.
5. **Patrick Henry**, elected 1784, Patriot or Whig. Born, Hanover County, April 2, 1736. Died, Charlotte County, June 6, 1799, aged 63.
6. **Edmund Randolph**, elected 1786, Patriot or Whig. Born, Williamsburg, August 10, 1753. Died, Clarke County, September 13, 1813, aged 59.
7. **Beverly Randolph**, elected 1788, Patriot or Whig. Born, Henrico County, —, 1754. Died, Cumberland County, —, 1797, aged 63.
8. **Henry Lee**, elected 1791, Republican. Born, Westmoreland County, January 29, 1756. Died, Cumberland Island, Ga., March 25, 1818, aged 64.
9. **Robert Brooke**, elected 1794, Republican. Born, Spottsylvania County, —, 1761. Died, Richmond, —, 1799, aged 37.

10. **James Wood**, elected 1796, Republican. Born, Frederick County, —, 1750. Died, Richmond, July 16, 1813, aged 63.
11. **James Monroe**, elected 1799, Republican. Born, Westmoreland County, April 28, 1758. Died, New York, N. Y., July 4, 1831, aged 73.
12. **John Page**, elected 1802, Republican. Born, Gloucester County, April 17, 1744. Died, Richmond, October 11, 1808, aged 64.
13. **William H. Cabell**, elected 1805, Republican. Born, Cumberland County, December 16, 1772. Died, Richmond, June 17, 1853, aged 81.
14. **John Tyler**, elected 1808, Republican. Born, Williamsburg, —, 1748. Died, Charles City County, January 6, 1813, aged 65.
15. **James Monroe**, elected 1811. Born, Westmoreland County, April 28, 1758. Died, New York City, July 4, 1831, aged 73.
16. **George W. Smith**, elected 1811, Republican. Born, Essex County, —, 1762. Died, Richmond, December 26, 1811, aged 49.
17. **James Barbour**, elected 1812, Republican. Born, Orange County, June 10, 1775. Died, Orange County, June 8, 1842, aged 67.
18. **Wilson C. Nicholas**, elected 1814, Republican. Born, Hanover County, —, 1757. Died, Milton, October 10, 1820, aged 63.
19. **James P. Preston**, elected 1816, Republican. Born, Montgomery County, —, 1774. Died, Isle of Wight County, May 4, 1843, aged 69.
20. **Thomas M. Randolph**, elected 1819, Republican. Born, Tuckahoe, October 1, 1768. Died, Charlottesville, June 20, 1828, aged 60.
21. **James Pleasants**, elected 1822, Republican. Born, Goochland County, October 24, 1769. Died, Goochland County, November 9, 1839, aged 70.
22. **John Tyler**, elected 1825, Republican. Born, Charles City County, March 29, 1790. Died, Richmond, January 18, 1862, aged 72.
23. **William B. Giles**, elected 1827, State-Rights Democrat. Born, Amelia County, August 12, 1762. Died, Albemarle County, December 4, 1830, aged 68.
24. **John Floyd**, elected 1830, State-Rights Democrat. Born, Jefferson County, Ky., April 24, 1783. Died, Sweet Springs, August 16, 1837, aged 54.
25. **L. W. Tazewell**, elected 1834, State-Rights Whig. Born, Williamsburg, December 17, 1774. Died, Norfolk, March 6, 1860, aged 86.

26. **Wyndham Robertson**, elected 1836, State-Rights Whig. Born, Manchester, January 26, 1803. Died, Washington County, February 11, 1888, aged 87.
27. **David Campbell**, elected 1837, Democrat. Born, Washington County, August 2, 1779. Died, Abingdon, March 19, 1859, aged 80.
28. **Thomas W. Gilmer**, elected 1840, State-Rights Whig. Born, Albemarle County, April 6, 1802. Died, Richmond, February 28, 1844, aged 42.
29. **John M. Patton**, elected 1841, State-Rights Whig. Born, Fredericksburg, August 10, 1797. Died, Richmond, October 28, 1858, aged 61.
30. **John Rutherford**, elected 1841, State-Rights Whig. Born, Richmond city, December 6, 1792. Died, Richmond, July —, 1866, aged 74.
31. **John M. Gregory**, elected 1842, State-Rights Whig. Born, Charles City County, July 8, 1804. Died, Richmond, April 9, 1884, aged 88.
32. **James McDowell**, elected 1843, Democrat. Born, Rockbridge County, October 12, 1796. Died, Rockbridge County, August 24, 1851, aged 55.
33. **William Smith**, elected 1846, State-Rights Democrat. Born, King George County, September 6, 1796. Died, Warrenton, May 18, 1887, aged 91.
34. **John B. Floyd**, elected 1849, State-Rights Democrat. Born, Blacksburg, June 1, 1807. Died, Abingdon, August 26, 1863, aged 56.
35. **Joseph Johnson**, elected 1852, State-Rights Democrat. Born, Orange County, N. Y., December 19, 1785. Died, Bridgeport, W. Va., February 27, 1877, aged 92.
36. **Henry A. Wise**, elected 1856, State-Rights Democrat. Born, Accomac County, December 3, 1806. Died, Richmond, September 12, 1876, aged 70.
37. **John Letcher**, elected 1860, State-Rights Democrat. Born, Lexington, March 29, 1813. Died, Lexington, January 26, 1884, aged 71.
38. **William Smith**, elected 1864, State-Rights Democrat. Born, King George County, September 6, 1796. Died, Warrenton, May 18, 1887, aged 91.

39. Francis H. Pierpont, appointed 1865, Republican. Born, Monongalia County, West Va., January 25, 1814.
40. Henry H. Wells, appointed 1868, Republican. Born, Rochester, N.Y., September 17, 1823.
41. Gilbert C. Walker, elected 1869, Republican. Born, Binghamton, N. Y., August 1, 1832. Died, Binghamton, N. Y., May 11, 1885, aged 53.
42. James L. Kemper, elected 1873, Conservative. Born, Madison County, June 11, 1823.
43. F. W. M. Holliday, elected 1877, Conservative. Born, Winchester, February 22, 1828.
44. William E. Cameron, elected 1881, Readjuster. Born, Petersburg, November 29, 1842.
45. Fitzhugh Lee, elected 1885, Democrat. Born, Fairfax County, November 19, 1835.
46. Philip W. McKinney, elected 1889, Democrat. Born, Buckingham County, March 17, 1832.
47. Charles T. O'Ferrall, elected 1893, Democrat. Born, Frederick County, Va., October 21, 1840.
48. J. Hoge Tyler, elected 1897, Democrat. Born, Caroline County, Va., August 11, 1846.

THE VIRGINIA RESOLVES, 1769

RESOLVES OF THE HOUSE OF BURGESSES, PASSED THE 16TH OF
MAY, 1769

Resolved, *Nemine Contradicente,* } That the sole right of imposing taxes on the inhabitants of this His Majesty's Colony and Dominion of Virginia is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened, according to the ancient and established practice, with the consent of the Council, and of His Majesty the King of Great Britain, or his Governor for the time being.

Resolved, *nemine contradicente*, That it is the undoubted privilege of the inhabitants of this colony to petition their Sovereign for redress of grievances; and that it is lawful and expedient to procure the concurrence of His Majesty's other colonies, in dutiful addresses, praying the royal interposition in favor of the violated rights of America.

Resolved, *nemine contradicente*, That all trials for treason, misprision of treason, or for any felony or crime whatsoever, committed and done in this His Majesty's said colony and dominion, by any person or persons residing therein, ought of right to be had, and conducted in and before His Majesty's courts, held within his said colony, according to the fixed and known course of proceeding; and that the seizing any person or persons residing in the colony, suspected of any crime whatsoever, committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused.

Resolved, *nemine contradicente*, That an humble, dutiful and loyal address be presented to His Majesty, to assure him of our inviolable attachment to his sacred person and government; and to beseech his royal interposition, as the father of all his people, however remote from the seat of his empire, to quiet the minds of his loyal subjects of this colony, and to avert from them those dangers and miseries which will ensue, from the seizing and carrying beyond sea any person residing in America, suspected of any crime whatsoever, to be tried in any other manner than by the ancient and long-established course of proceeding.

(The following order is likewise in their journal of that date):

Ordered, That the speaker of this House do transmit, without delay, to the speakers of the several houses of Assembly on this continent, a copy of the resolutions now agreed to by this House, requesting their concurrence therein.

ORDINANCE OF SECESSION

AN ORDINANCE TO REPEAL THE RATIFICATION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA BY THE STATE OF VIRGINIA, AND TO RESUME ALL THE RIGHTS AND POWERS GRANTED UNDER SAID CONSTITUTION

The people of Virginia, in their ratification of the Constitution of the United States of America, adopted by them in convention on the 25th day of June, in the year of our Lord 1788, having declared that the powers granted under said Constitution were derived from the people of the *United States*, and might be resumed whensoever the same should be perverted to their injury and oppression, and the *Federal Government* having perverted said powers, not only to the injury of the *people of Virginia*, but to the oppression of the *Southern slaveholding States* :

Now, therefore, we, the *people of Virginia*, do declare and ordain, That the ordinance adopted by the people of this State in convention on the 25th of June, in the year of our Lord 1788, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State ratifying or adopting amendments to said Constitution, are hereby *repealed* and *abrogated*; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty which belong and appertain to a *free and independent State*.

And they do further declare, That the said Constitution of the United States of America is no longer binding on any of the citizens of this State.

This ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this State cast at a poll to be taken thereon on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted.

Done in Convention, in the city of Richmond, on the 17th day of April, in the year of our Lord 1861, and in the eighty-fifth year of the Commonwealth of Virginia.

CONSTITUTION OF VIRGINIA

PREAMBLE

Whereas, the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six, reciting and declaring, that whereas George the Third, King of Great Britain and Ireland, and elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good ; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and, when so suspended, neglecting to attend to them for many years ; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature ; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people ; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head ; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for naturalization of foreigners ; by keeping among us, in time of peace, standing armies and ships of war ; by affecting to render the military independent of and superior to the civil power ; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation for quartering large bodies of armed troops among us ; for cutting off our trade with all parts of the world ; for imposing taxes on us without our consent ; for depriving us of the benefit of the trial by jury ; for transporting us beyond the seas for trial for pretended offenses ; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever ; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people ; by inciting insurrection of our fellow-subjects with the allurements of forfeiture and confiscation ; by prompting our negroes

to rise in arms amongst us — those very negroes whom, by an inhuman use of his negative, he had refused us permission to exclude by law ; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence ; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation, and tyranny, then already begun, with circumstances of cruelty and perfidy unworthy the head of a civilized nation ; by answering our repeated petitions for redress with a repetition of injuries ; and finally by abandoning the helm of government and declaring us out of his allegiance and protection ; by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britain, was totally dissolved — did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia :

And whereas, a convention, held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of this commonwealth an amended constitution, or form of government, which was ratified by them :

And whereas, the general assembly of Virginia, by an act passed on the fourth of March, in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss, and propose a new constitution, or alterations and amendments to the existing constitution of this commonwealth ; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection ; and the same having been submitted accordingly, was ratified by them :

And whereas, the general assembly of Virginia, by an act passed on the twenty-first day of December, in the year one thousand eight hundred and sixty-three, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss, and adopt alterations and amendments to the existing constitution of this commonwealth, the delegates so assembled did, therefore, having maturely considered the premises, adopt a revised and amended constitution as the form of government of Virginia :

And whereas, the congress of the United States did, by an act passed on the second day of March, in the year one thousand eight hundred and sixty-seven, and entitled "an act to provide for the more efficient government of the rebel states," and by acts supplementary thereto, passed on the twenty-third day of March, and the nineteenth day of July, in the year one thousand eight hundred and sixty-seven, provide for the election, by the people of Virginia, qualified to vote under the provisions of said acts, of delegates to meet in convention, to frame a constitution or form of government for Virginia, in conformity with said acts; and by the same acts did further provide for the submitting of such constitution to the qualified voters for ratification or rejection:

We, therefore, the delegates of the good people of Virginia, elected, and in convention assembled, in pursuance of said acts, invoking the favor and guidance of Almighty God, do propose to the people the following constitution and form of government for this commonwealth:

ARTICLE I

BILL OF RIGHTS

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That this state shall ever remain a member of the United States of America, and that the people thereof are a part of the American Nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said union or to sever said nation, are unauthorized and ought to be resisted with the whole power of the state.

3. That the constitution of the United States, and the laws of Congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every

citizen, anything in the constitution, ordinances, or laws of any state to the contrary notwithstanding.

4. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

5. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the dangers of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

6. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

7. That the legislative, executive, and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the laws shall direct.

8. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

9. That all power of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

10. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to

a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

11. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

12. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

13. That in controversies respecting property, and in suits between man and man, the trial by jury is preferable to any other, and ought to be held sacred.

14. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

15. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty, and that in all cases the military should be under strict subordination to, and governed by, the civil power.

16. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia ought to be erected or established within the limits thereof.

17. That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, and virtue, and by a frequent recurrence to fundamental principles.

18. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

19. That neither slavery nor involuntary servitude, except as lawful imprisonment may constitute such, shall exist within this state.

20. That all citizens of the state are hereby declared to possess equal civil and political rights and public privileges.

21. The rights enumerated in this bill of rights shall not be construed to limit other rights of the people not therein expressed.

The declaration of the political rights and privileges of the inhabitants of this state is hereby declared to be a part of the constitution of this commonwealth, and shall not be violated on any pretence whatever.

ARTICLE II

DIVISION OF POWERS

The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the power of more than one of them at the same time, except as hereinafter provided.

ARTICLE III

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE

SEC. 1. Every male citizen of the United States, twenty-one years old, who shall have been a resident of this state twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote for members of the general assembly and all officers elected by the people: provided, that no officer, soldier, seaman, or marine of the United States army or navy, shall be considered a resident of this state by reason of being stationed therein: and provided, also, that the following persons shall be excluded from voting:

First. Idiots and lunatics.

Second. Persons convicted of bribery in any election, embezzlement of public funds, treason, felony, or petit larceny.

Third. No person who, while a citizen of this state, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this state, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit, or trust under this constitution.

SEC. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution.

SEC. 3. All persons entitled to vote and hold office, and none others, shall be eligible to sit as jurors.

SEC. 4. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest, under any civil process during his attendance at elections, or in going to or returning from them.

Oath of Office

SEC. 5. All persons, before entering upon the discharge of any function as officers of this state, must take and subscribe the following oath or affirmation:

"I, ———, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the state of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of ——— to the best of my ability: So help me God."

ARTICLE IV

EXECUTIVE DEPARTMENT

Governor

SEC. 1. The chief executive power of this commonwealth shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

SEC. 2. The Governor shall be elected by the voters at the times and places of choosing members of the general assembly. Returns of elections shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next ses-

sion of the general assembly. The speaker of the House of Delegates shall, within one week thereafter, in presence of a majority of the Senate and House of Delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the general assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

SEC. 3. No person, except a citizen of the United States, shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of this state for three years next preceding his election.

SEC. 4. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

SEC. 5. He shall take care that the laws be faithfully executed; communicate to the general assembly, at every session, the condition of the commonwealth; recommend to their consideration such measures as he may deem expedient, and convene the general assembly, on application of two thirds of the members of both houses thereof, or when, in his opinion, the interest of the commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the state; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign states; and during the recess of the general assembly, to fill *pro tempore*, all vacancies in those offices for which the constitution and laws make no provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the general assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law, and except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities conse-

quent upon conviction for offences committed prior or subsequent to the adoption of this constitution, and to commute capital punishment ; but he shall communicate to the general assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

SEC. 6. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices ; and may also require the opinion, in writing, of the Attorney-General upon any question of law connected with his official duties.

SEC. 7. Commissions and grants shall run in the name of the commonwealth of Virginia, and be attested by the Governor, with the seal of the commonwealth annexed.

SEC. 8. Every bill which shall have passed the Senate and House of Delegates, and every resolution requiring the assent of both branches of the general assembly, shall, before it becomes a law, be presented to the Governor ; if he approve, he shall sign it ; but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such consideration, two thirds of the members present shall agree to pass the bill or joint resolution, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of all the members present, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill or joint resolution, shall be entered on the journal of each house respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

Lieutenant-Governor

SEC. 9. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualification and the manner of his election, in all respects, shall be the same.

SEC. 10. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the state, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the general assembly shall provide by law for the discharge of the executive functions in other necessary cases.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Secretary of the Commonwealth, Treasurer, and Auditor

SEC. 12. The Secretary of the commonwealth, Treasurer, and Auditor of Public Accounts, shall be elected by the joint vote of the two houses of the general assembly, and continue in office for the term of two years, unless sooner relieved. The salary of each shall be determined by law.

SEC. 13. The Secretary shall keep a record of the official acts of the Governor, which shall be signed by the Governor, and attested by the Secretary; and when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the general assembly; and shall perform such other duties as may be prescribed by law. All fees received by the Secretary shall be paid into the treasury.

SEC. 14. The powers and duties of the Treasurer and Auditor shall be such as are now or may hereafter be prescribed by law.

SEC. 15. There may be established in the office of the secretary of state, a bureau of statistics and a bureau of agricultural chemistry and geology, under such regulations as may be prescribed by law.

SEC. 16. The general assembly shall have power to establish a bureau of agriculture and immigration, under such regulations as may be prescribed.

Board of Public Works

SEC. 17. There shall be a Board of Public Works, to consist of the Governor, Auditor, and Treasurer of the commonwealth, under such regulations as may be prescribed by law.

ARTICLE V

LEGISLATIVE DEPARTMENT

SEC. 1. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a Senate and House of Delegates.

SEC. 2. The House of Delegates shall be elected biennially by the voters of the several cities and counties, on the Tuesday succeeding the first Monday in November, and shall, from and after the Tuesday succeeding the first Monday in November, eighteen hundred and seventy-nine, consist of not more than one hundred and not less than ninety members.

SEC. 3. From and after the same date, the Senate shall consist of not less than thirty-three nor more than forty members. They shall be elected for a term of four years — for the election of whom the counties, cities, and towns shall be divided into districts. Each county, city, and town of the respective districts shall, at the time of the first election of its delegate or delegates under this amendment, vote for one or more senators. The senators first elected under this amendment, in districts bearing odd numbers, shall vacate their offices at the end of two years ; and those elected in districts bearing even numbers, at the end of four years : and vacancies occurring by expiration of term, shall be filled by the election of senators for the full term.

SEC. 4. An apportionment of senators and members of the House of Delegates shall be made at the regular session of the general assembly next preceding the Tuesday after the first Monday in November, eighteen hundred and seventy-nine, or sooner. A reapportionment shall be made in the year eighteen hundred and ninety-one, and every tenth year thereafter.

Qualifications of Senators and Delegates

SEC. 5. Any person may be elected Senator who, at the time of election is actually a resident within the district, and qualified to vote for members of the general assembly according to this constitution ; and any person may be elected a member of the House of Delegates, who, at the time of election, is actually a resident within the county, city, town, or election district, qualified to vote for members of the

general assembly according to this constitution. But no person holding a salaried office under the state government shall be capable of being elected a member of either house of the general assembly. The removal of any person elected to either branch of the general assembly, from the city, county, town, or district for which he was elected, shall vacate his office.

Powers and Duties of the General Assembly

SEC. 6. The general assembly shall meet once in two years, and not oftener, unless convened by the Governor in the manner prescribed in this constitution. No session of the general assembly, after the first under this amendment, shall continue longer than ninety days, without the concurrence of three fifths of the members elected to each house; in which case the session may be extended for a further period, not exceeding thirty days. Neither house during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. A majority of the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each house may prescribe.

SEC. 7. The House of Delegates shall choose its own Speaker, and in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor, the Senate shall choose, from their own body, a president *pro tempore*; and each house shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies; but if vacancies shall occur during the recess of the general assembly, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two thirds, expel a member.

SEC. 8. The members of the general assembly shall receive for their services a salary, to be ascertained by law, and paid out of the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members of the House of Delegates voting thereon were elected; and no senator or delegate, during the term for which he shall have been elected, shall

be appointed to any civil office of profit under the commonwealth, which has been created, or the emoluments of which have been increased during such term, except offices filled by election by the people.

SEC. 9. Bills and resolutions may originate in either of the two houses of the general assembly, to be approved or rejected by either, and may be amended by either house, with the consent of the other.

SEC. 10. Each house of the general assembly shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the house in which it originated, unless two thirds of the members in that house shall otherwise determine.

SEC. 11. The members of the general assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house, they shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the session of the general assembly, nor for fifteen days next before the convening, and after the termination of each session.

SEC. 12. The whole number of members to which the state may at any time be entitled in the House of Representatives of the United States, shall be apportioned, as nearly as may be, amongst the several counties, cities, and towns of the state, according to their population.

SEC. 13. In the apportionment the state shall be divided into districts, corresponding in number with the representatives to which it may be entitled in the House of Representatives of the Congress of the United States, which shall be formed, respectively, of contiguous counties, cities and towns; be compact, and include, as nearly as may be, an equal number of population.

SEC. 14. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of invasion or rebellion, the public safety may require it. The general assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law, whereby private property shall be taken for public uses without just compensation, or any law abridg-

ing the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship place or ministry whatsoever, nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in nowise affect, diminish, or enlarge their civil capacities. And the general assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this commonwealth, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry, but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

SEC. 15. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended, shall be reënacted and published at length.

SEC. 16. The governor, lieutenant-governor, judges, and all others offending against the state, by maladministration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the House of Delegates, and be prosecuted before the Senate, which shall have the sole power to try impeachment. When sitting for that purpose, they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present. Judgment, in case of impeachment, shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, trust, or profit under the commonwealth; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the general assembly for the trial of impeachment.

SEC. 17. The general assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

SEC. 18. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery, shall be prohibited.

SEC. 19. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county having a population less than ten thousand, be deprived of more than one fifth of such population; nor shall a county, having a larger population, be reduced below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the general assembly. In all general elections the voters in any county, not entitled to separate representation, shall vote in the same election district.

SEC. 20. The general assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

SEC. 21. The general assembly shall provide for the annual registration of births, marriages, and deaths.

SEC. 22. The manner of conducting and making returns of elections, or determining contested elections, and of filling vacancies in office, in cases not specially provided for by this constitution, shall be prescribed by law; and the general assembly may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this constitution.

SEC. 23. The legislature shall have power to provide for the government of cities and towns, and to establish such courts therein as may be necessary for the administration of justice.

SEC. 24. The general assembly shall have power, by a two-thirds vote, to remove disabilities incurred under clause third, section one, article third of this constitution, with reference to duelling.

ARTICLE VI

JUDICIARY DEPARTMENT

SEC. 1. There shall be a supreme court of appeals, circuit courts, and county courts. The jurisdiction of these tribunals, and the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law.

SEC. 2. The supreme court of appeals shall consist of five judges, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus* and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, roadway, ferry or landing; or the right of a corporation or of a county to levy tolls or taxes, and except in cases of *habeas corpus*, *mandamus* and prohibition, or the constitutionality of a law: Provided, That the assent of a majority of the judges elected to the court shall be required, in order to declare any law null and void by reason of its repugnance to the Federal Constitution, or to the constitution of this state.

SEC. 3. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals and of the circuit courts, or any of them, to try any cases on the docket of said court, in respect to which a majority of the judges thereof may be so situated as to make it improper for them to sit on the hearing of the same; and also to try any cases on the said docket which cannot be otherwise disposed of with convenient dispatch.

SEC. 4. When a judgment or decree is reversed or affirmed by the supreme court of appeals, the reasons therefor shall be stated in writing and preserved with the records of the case.

SEC. 5. The judges shall be chosen by the joint vote of the two houses of the general assembly, and shall hold their office for a term of twelve years; they shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other state for five years.

SEC. 6. The officers of the supreme court of appeals shall be appointed by the said court, or by the judges thereof in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

SEC. 7. The supreme court of appeals shall hold its sessions at two or more places in the state, to be fixed by law.

SEC. 8. At every election of a Governor an Attorney-General shall be elected by the qualified voters of this commonwealth. He shall be commissioned by the Governor, perform such duties and

receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Circuit Courts

SEC. 9. The state shall be divided into sixteen judicial circuits, as follows :

1. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, Surry, and the city of Norfolk shall constitute the first circuit.

2. The counties of Sussex, Greensville, Brunswick, Prince George, Dinwiddie, Nottoway, Chesterfield, and the city of Petersburg shall constitute the second circuit.

3. The counties of Mecklenburg, Lunenburg, Charlotte, Amelia, Powhatan, Prince Edward, Buckingham, and Cumberland shall constitute the third circuit.

4. The counties of Halifax, Pittsylvania, Henry, Patrick, Franklin, and the town of Danville shall constitute the fourth circuit.

5. The counties of Bedford, Campbell, Appomattox, Amherst, Nelson, and the city of Lynchburg shall constitute the fifth circuit.

6. The counties of Albemarle, Fluvanna, Culpeper, Goochland, Madison, Greene, and Orange shall constitute the sixth circuit.

7. The county of Henrico and the city of Richmond shall constitute the seventh circuit.

8. The counties of Accomack, Northampton, York, Elizabeth City, Warwick, James City, New Kent, Charles City, and the city of Williamsburg shall constitute the eighth circuit.

9. The counties of Lancaster, Northumberland, Mathews, Middlesex, Gloucester, King William, Essex, and King and Queen shall constitute the ninth circuit.

10. The counties of Westmoreland, Spotsylvania, Caroline, Hanover, Stafford, King George, Richmond, and Louisa shall constitute the tenth circuit.

11. The counties of Loudoun, Fauquier, Fairfax, Prince William, Rappahannock, and Alexandria shall constitute the eleventh circuit.

12. The counties of Frederick, Clarke, Warren, Page, Shenandoah, and Rockingham shall constitute the twelfth circuit.

13. The counties of Augusta, Rockbridge, Bath, Highland, and Alleghany shall constitute the thirteenth circuit.

14. The counties of Botetourt, Roanoke, Montgomery, Floyd, Giles, and Craig shall constitute the fourteenth circuit.

15. The counties of Carroll, Grayson, Wythe, Pulaski, Bland, and Tazewell shall constitute the fifteenth circuit.

16. The counties of Smyth, Washington, Lee, Scott, Wise, Russell, and Buchanan shall constitute the sixteenth circuit.

SEC. 10. The general assembly may re-arrange said circuits, or any of them, and increase or diminish the number thereof, when the public interests shall require it.

SEC. 11. For each circuit a judge shall be chosen by the joint vote of the two houses of the general assembly, who shall hold his office for a term of eight years, unless sooner removed in the manner prescribed by this constitution. He shall, when chosen, possess the same qualifications of judges of the supreme court of appeals; and during his continuance in office shall reside in the circuit of which he is judge.

SEC. 12. A circuit court shall be held, at least twice a year by the judges of each circuit, in every county and corporation thereof wherein a circuit court now is or may hereafter be established. But the judges may be required or authorized to hold the courts of their respective circuits alternately, and the judge of one circuit to hold court in any other circuit.

County Courts

SEC. 13. In each county of this commonwealth there shall be a court called the county court, which shall be held monthly by a judge learned in the law of the state and to be known as the county court judge: provided, that counties containing less than eight thousand inhabitants shall be attached to adjoining counties for the formation of districts for county judges. County court judges shall be chosen in the same manner as judges of the circuit courts. They shall hold their office for a term of six years, except the first term under this constitution, which shall be three years, and during their continuance in office, they shall reside in their respective counties or districts. The jurisdiction of said courts shall be the same as that of the existing county courts, except so far as it is modified by this constitution or may be changed by law.

Government of Cities and Towns

SEC. 14. For each city or town in the state, containing a population of five thousand, there shall be elected on the joint vote of the

two houses of the general assembly, one city judge, who shall hold a corporation or hustings court of said city or town, as often, and as many days in each month, as may be prescribed by law, with similar jurisdiction which may be given by law, to the circuit courts of this state, and who shall hold his office for a term of six years : provided, that in cities or towns containing thirty thousand inhabitants, there may be elected an additional judge to hold courts of probate and record, separate and apart from the corporation or hustings courts, and perform such other duties as shall be prescribed by law.

SEC. 15. Also the following enumerated officers, who shall be elected by the qualified voters of the said cities or towns : One clerk of the corporation or hustings court, who shall also be the clerk of the circuit court, except in cities or towns containing a population of thirty thousand or more ; in which city or town there may be a separate clerk for the circuit court, who shall hold his office for a term of six years.

SEC. 16. One commonwealth's attorney, who shall be the commonwealth's attorney for the circuit court, and shall hold his office for a term of two years.

SEC. 17. One city sergeant, who shall hold his office for a term of two years.

SEC. 18. One city or town treasurer, whose duties shall be similar to those of county treasurer, and who shall hold his office for a term of three years.

SEC. 19. One commissioner of the revenue.

SEC. 20. There shall be chosen by the electors of every city, a mayor, who shall be the chief executive officer thereof, and who shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined, shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal ; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. All city, town, and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns, and

villages, or of some division thereof, or appointed by such authorities thereof as the general assembly shall designate. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may be hereafter created by law, shall be elected by the people, or appointed, as the general assembly may direct. Members of common councils shall hold no other office in cities, and no city officer shall hold a seat in the general assembly. The general assembly, at its first session after the adoption of this constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. General laws shall be passed for the organization and government of cities, and no special act shall be passed, except in cases where, in the judgment of the general assembly, the object of such act cannot be attained by general laws. Nothing in this article shall affect the power of the general assembly over quarantine, or in regard to the port of Norfolk, or the interest of the state in the lands under water and within the jurisdiction or boundaries of any city, or to regulate the wharves, piers, or slips in any city. All laws or city ordinances in conflict with the provisions of the preceding sections, shall be void from and after the adoption of this constitution.

SEC. 21. All regular elections for city or town officers, under this article, shall be held on the fourth Thursday in May, and the officers elect shall enter upon their duties on the first day of July succeeding.

General Provisions

SEC. 22. All the judges shall be commissioned by the Governor, and shall receive such salaries and allowances as may be determined by law, the amount of which shall not be diminished during their term of office. Their terms of office shall commence on the first day of January next following their appointment; and they shall discharge the duties of their respective offices from their first appointment and qualification under this constitution until their terms begin.

SEC. 23. Judges may be removed from office by a concurrent vote of both houses of the general assembly, but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the general assembly may be about to proceed, shall have notice thereof, accompanied by a copy of the

causes alleged for his removal, at least twenty days before the day on which either house of the general assembly shall act thereon.

SEC. 24. Judges of the supreme court of appeals, and judges of the circuit courts, shall not hold any other office or public trust during their continuance in office.

SEC. 25. Judges, and all other officers elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired, until their successors have qualified.

SEC. 26. Writs shall run in the name of the commonwealth of Virginia, and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the commonwealth."

ARTICLE VII

COUNTY ORGANIZATIONS

SEC. 1. There shall be elected by the qualified voters of the county, one sheriff, one attorney for the commonwealth, who shall also be the commonwealth's attorney for the circuit court; one county clerk, who shall also be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants, there may be a separate clerk for the circuit court; one county treasurer, and so many commissioners of the revenue as may be provided by law; and there shall be appointed, in a manner to be provided by law, one superintendent of the poor, and one county surveyor; and there shall also be appointed, in the manner provided for in article eight, one superintendent of schools. All regular elections for county officers shall be held on the fourth Thursday in May; and all officers elected or appointed under this provision, shall enter upon the duties of their offices on the first day of July, next succeeding their election, and shall hold their respective offices for the term of four years, except that county and circuit court clerks shall hold their offices for six years.

SEC. 2. Each county of the state shall be divided into so many compactly located magisterial districts as may be deemed necessary, not less than three: provided, that after these have been formed, no additional districts shall be made containing less than thirty square miles; each magisterial district shall be known as — magisterial district, of — county. In each district there shall be elected one supervisor, three justices of the peace, one constable, and one over-

seer of the poor, who shall hold their respective offices for the term of two years. All regular elections for magisterial district officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July, next succeeding their election. The supervisors of the districts shall constitute the board of supervisors for that county, whose duty it shall be to audit the accounts of the county, examine the books of the commissioners of the revenue, regulate and equalize the valuation of property, fix the county levies for the ensuing year, and perform any other duties required of them by law.

School Districts

SEC. 3. Each magisterial district shall be divided into as many compactly located school districts as may be deemed necessary: provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed, annually, one school trustee, who shall hold his office three years: provided, that at the first election held under this provision, there shall be three trustees elected, whose terms shall be one, two, and three years, respectively.

SEC. 4. The general assembly, at its first session after the adoption of this constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. But nothing in this article shall be construed as prohibiting the general assembly from providing by law for any additional officers in any city or county.

SEC. 5. Sheriffs shall hold no other office. They may be required by law to renew their security, and in default of so doing, their offices shall be declared vacant. Counties shall never be made responsible for the acts of the sheriffs.

ARTICLE VIII

EDUCATION

SEC. 1. The general assembly shall elect, in joint ballot, within thirty days after its organization under this constitution, and every fourth year thereafter, a Superintendent of Public Instruction. He shall have the general supervision of the public free school interests of the state, and shall report to the general assembly for its considera-

tion, within thirty days after his election, a plan for a uniform system of public free schools.

SEC. 2. There shall be a Board of Education, composed of the Governor, Superintendent of Public Instruction, and Attorney-General, which shall appoint and have power to remove, for cause and upon notice to the incumbents, subject to confirmation by the Senate, all county superintendents of public free schools. This board shall have, regulated by law, the management and investment of all school funds, and such supervision of schools of higher grades as the law shall provide.

SEC. 3. The general assembly shall provide by law, at its first session under this constitution, a uniform system of public free schools, and for its gradual, equal, and full introduction into all the counties of the state, by the year 1876, or as much earlier as practicable.

SEC. 4. The general assembly shall have power, after a full introduction of the public free school system, to make such laws as shall not permit parents and guardians to allow their children to grow up in ignorance and vagrancy.

SEC. 5. The general assembly shall establish, as soon as practicable, normal schools, and may establish agricultural schools and such grades of schools as shall be for the public good.

SEC. 6. The Board of Education shall provide for uniformity of text-books, and the furnishing of school houses with such apparatus and library as may be necessary, under such regulations as may be provided by law.

SEC. 7. The general assembly shall set apart, as a permanent and perpetual literary fund, the present literary funds of the state, the proceeds of all public lands donated by Congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the state by forfeiture, and all fines collected for offences committed against the state, and such other sums as the general assembly may appropriate.

SEC. 8. The general assembly shall apply the annual interest on the literary fund, the capitation tax provided for by this constitution for public free school purposes, and an annual tax upon the property of the state of not less than one mill nor more than five mills on the dollar, for the equal benefit of all the people of the state, the number of children between the ages of five and twenty-one years, in each public free school district, being the basis of such division. Provision

shall be made to supply children attending the public free schools with necessary text-books, in cases where the parent or guardian is unable, by reason of poverty, to furnish them. Each county and public free school district may raise additional sums by a tax on property for the support of public free schools. All unexpended sums of any one year in any public free school district shall go into the general school fund for redivision the next year: Provided, That any tax authorized by this section to be raised by counties or school districts shall not exceed five mills on a dollar in any one year, and shall not be subject to redivision, as hereinbefore provided in this section.

SEC. 9. The general assembly shall have power to foster all higher grades of schools under its supervision, and to provide for such purpose a permanent educational fund.

SEC. 10. All grants and donations received by the general assembly for educational purposes shall be applied according to the terms prescribed by the donors.

SEC. 11. Each city and county shall be held accountable for the destruction of school property that may take place within its limits by incendiaries or open violence.

SEC. 12. The general assembly shall fix the salaries and prescribe the duties of all school officers, and shall make all needful laws and regulations to carry into effect the public free school system provided for by this article.

ARTICLE IX

MILITIA

SEC. 1. The militia of this state shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such persons as hereafter may be exempted by the laws of the United States or of this state; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service; and the militia shall be organized, armed and equipped, and trained as the general assembly may provide by law.

SEC. 2. The legislature shall provide by law for the encouragement of volunteer corps of the several arms of the service, which shall be classed as the active militia; and all other militia shall be classified as the reserve militia, and shall not be required to muster in time of peace.

ARTICLE X

TAXATION AND FINANCE

SEC. 1. Taxation, except as hereinafter provided, whether imposed by the state, county, or corporate bodies, shall be equal and uniform, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as prescribed by law. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value.

SEC. 2. No tax shall be imposed on any of the citizens of this state for the privilege of taking or catching oysters from their natural beds with tongs, in the waters thereof; but the amount of sales of oysters so taken by any citizen, in any one year, may be taxed at a rate not exceeding the rate of taxation imposed upon any other species of property.

SEC. 3. The legislature may exempt all property used exclusively for state, county, municipal, benevolent, charitable, educational and religious purposes.

SEC. 4. The general assembly may levy a tax on incomes in excess of six hundred dollars per annum, and upon the following licenses; viz., the sale of ardent spirits, theatrical and circus companies, menageries, jugglers, itinerant pedlars, and all other shows and exhibitions for which an entrance fee is required; commission merchants, persons selling by sample, brokers and pawnbrokers, and all other business which cannot be reached by the *ad valorem* system. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

SEC. 5. The general assembly may levy a tax, not exceeding one dollar per annum, on every male citizen who has attained the age of twenty-one years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax, not exceeding fifty cents per annum, for all purposes.

SEC. 6. The general assembly shall provide for a reassessment of the real estate of this state in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter: provided, in making such assessment, no land shall be assessed above or below its value.

SEC. 7. No debt shall be contracted by this state, except to meet

casual deficits in the revenue to redeem a previous liability of the state, to suppress insurrection, repel invasion, or defend the state in time of war.

SEC. 8. The general assembly shall provide, by law, a sinking fund, to be applied solely to the payment and extinguishment of the principal of the state debt, which sinking fund shall be continued until the extinguishment of such state debt; and every law hereafter enacted by the general assembly, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

SEC. 9. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law at the time said debt was contracted, nor shall any discrimination hereafter be made in paying the interest on state bonds, which shall give a higher actual value to bonds held in foreign countries, over the same class of bonds held in this country.

SEC. 10. No money shall be paid out of the state treasury except in pursuance of appropriations made by law; and no appropriation shall ever be made for the payment of any debt or obligation created in the name of the state of Virginia, by the usurped and pretended state authorities assembled at Richmond during the late war; and no county, city, or corporation shall levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the state, or against the United States.

SEC. 11. On the passage of every act which imposes, continues or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the state, the vote shall be determined by ayes and noes, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of a law.

SEC. 12. The credit of the state shall not be granted to, or in aid of, any person, association, or corporation.

SEC. 13. No scrip, certificate, or other evidence of state indebtedness, shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

SEC. 14. The state shall not subscribe to, or become interested in, the stock of any company, association or corporation.

SEC. 15. The state shall not be a party to, or become interested in, any work of internal improvement, nor engage in carrying on any

such work, otherwise than in the expenditure of grants to the state of land or other property.

SEC. 16. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such a tax or object.

SEC. 17. The state shall not assume any indebtedness of the county, borough, nor city, nor lend its credit to the same.

SEC. 18. A full account of the state indebtedness, and an accurate statement of receipts and expenditures of the public money, shall be attached to and published with its laws passed at every regular session of the general assembly.

SEC. 19. The general assembly shall provide by law for adjusting with the state of West Virginia, the proportion of the public debt of Virginia, proper to be borne by the state of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of the state.

SEC. 20. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government, or to pay the existing indebtedness of the state.

SEC. 21. The liability to the state of any incorporated company or institution to redeem the principal and pay the interest of any loan heretofore made by the state to such company or institution, shall not be released or commuted.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Homestead and Other Exemptions

SEC. 1. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnisheeing or sale, under any execution, order, or other process, issued on any demand for any debt heretofore or hereafter contracted, his real and personal property, or either, including money and debts due him, whether heretofore or hereafter acquired or contracted, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such

CONSTITUTION OF VIRGINIA



exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

- 1st. For the purchase price of said property, or any part thereof.
- 2d. For services rendered by a laboring person or a mechanic.
- 3d. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney at law for money collected.
- 4th. For a lawful claim for any taxes, levies, or assessments, accruing after the first day of June, 1866.
- 5th. For rent hereafter accruing.
- 6th. For the legal or taxable fees of any public officer, or officers of a court, hereafter accruing.

SEC. 2. The foregoing section shall not be construed as subjecting the property hereby exempted, or any portion thereof, to any lien by reason of any execution levied on property which has been subsequently restored to the defendant, or judgment rendered or docketed, on or after the 17th of April, 1861, and before the 2d day of March, 1867, for any debt contracted previous to the 4th day of April, 1865, except debts of the character mentioned in either of the above first three exceptions.

SEC. 3. Nothing contained in this article shall be construed to interfere with the sale of the property aforesaid, or any portion thereof, by virtue of any mortgage, deed of trust, pledge, or other security thereon.

SEC. 4. The general assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the general assembly may deem necessary to fully carry out the provisions of this article.

SEC. 5. The general assembly shall, at its first session under this constitution, prescribe in what manner and on what conditions the said householder or head of a family shall thereafter set apart and hold for himself and family, a homestead out of any property hereby exempted, and may, in its discretion, determine in what manner and on what conditions he may thereafter hold, for the benefit of himself and family such personal property as he may have, and coming within the exemption hereby made. But this section shall not be construed as authorizing the general assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

SEC. 6. An act of the general assembly, entitled "an act to exempt the homesteads of families from forced sales," passed April

29th, 1867, and an act entitled "an act to stay the collection of debts for a limited period," passed March 2d, 1866, and the acts amendatory thereof, are hereby abrogated.

SEC. 7. The provisions of this article shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

Church Property

SEC. 8. The rights of ecclesiastical bodies in and to church property, conveyed to them by regular deeds of conveyance, shall not be affected by the late civil war, nor by any antecedent or subsequent event, nor by any act of the legislature purporting to govern the same, but all such property shall pass to and be held by the parties set forth in the original deeds of conveyance, or the legal assignees of such original parties holding through or by conveyance, and any act or acts of the legislature in opposition thereto shall be null and void.

Heirship of Property

SEC. 9. The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seized or possessed, as though they had been born in lawful wedlock.

ARTICLE XII

FUTURE CHANGES IN THE CONSTITUTION

SEC. 1. Any amendment or amendments to the constitution may be proposed in the Senate and House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the general assembly to be chosen at the next general election of senators and members of the House of Delegates, and shall be published for three months previous to the time of making such choice. And if in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be

agreed to by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the general assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly voting thereon, such amendment or amendments shall become part of the constitution.

SEC. 2. At the general election to be held in the year 1888, and in each twentieth year thereafter, and also at such time as the general assembly may by law provide, the question, "Shall there be a convention to revise the constitution and amend the same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election shall decide in favor of a convention for such purpose, the general assembly at its next session shall provide by law for the election of delegates to such convention: provided, That no amendment or revision shall be made which shall deny or in any way impair the right of suffrage, or any civil or political right as conferred by this constitution, except for causes which apply to all persons and classes without distinction.

SCHEDULE

That no inconvenience may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that —

SEC. 1. The common law and the statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature.

SEC. 2. All writs, actions, causes of action, prosecutions, and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both in law and in

equity, as if this constitution had not been adopted, and until the organization of the judicial department of this constitution.

SEC. 3. That all fines, penalties, forfeitures, and escheats accruing to the state of Virginia under the present constitution and laws, shall accrue to the use of the state under this constitution.

SEC. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the state of Virginia, to any state, county or township, or any public officer or public body, or which may be entered into or executed, under existing laws, "to the people of the state of Virginia," to any such officer or public body, before the complete organization of the department of government under this constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. All crimes and misdemeanors, and penal actions, shall be tried, punished and prosecuted, as though no change had taken place, until otherwise provided by law.

CONSTITUTION OF THE UNITED STATES—1787¹

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1 The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2 No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3 Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.² The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be

¹ This reprint of the Constitution exactly follows the text of that in the Department of State at Washington, save in the spelling of a few words.

² Superseded by the 14th Amendment. (See p. 165.)

entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1 The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years; and each senator shall have one vote.

2 Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3 No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4 The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5 The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6 The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7 Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1 The times, places, and manner of holding elections for

senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2 The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1 Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2 Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3 Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4 Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. 1 The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2 No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7. 1 All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall

return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3 Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1 The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2 To borrow money on the credit of the United States;

3 To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4 To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6 To provide for the punishment of counterfeiting the securities and current coin of the United States;

7 To establish post offices and post roads;

8 To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9 To constitute tribunals inferior to the Supreme Court;

10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11 To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years ;

13 To provide and maintain a navy ;

14 To make rules for the government and regulation of the land and naval forces ;

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions ;

16 To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

17 To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States,¹ and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ; and

18 To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1 The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.²

2 The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3 No bill of attainder or *ex post facto* law shall be passed.

4 No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5 No tax or duty shall be laid on articles exported from any State.

6 No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another : nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

¹ The District of Columbia, which comes under these regulations, had not then been erected.

² See also Article V, p. 160.

7 No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8 No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10.¹ 1 No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2 No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws : and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

3 No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1 The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows

2 Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress : but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the

¹ See also the 10th Amendment, p. 163.

United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.¹

3 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4 No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7 Before he enter on the execution of his office, he shall take the following oath or affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and

¹ Superseded by the 12th Amendment. (See p. 164.)

will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1 The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3 The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION 2. 1 The judicial power shall extend to all cases, in law and

equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority ; — to all cases affecting ambassadors, other public ministers and consuls ; — to all cases of admiralty and maritime jurisdiction ; — to controversies to which the United States shall be a party ; — to controversies between two or more States ; — between a State and citizens of another State ;¹ — between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

3 The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the State where the said crimes shall have been committed ; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1 Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2 The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1 The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2 A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

¹ See the 11th Amendment, p. 164.

3 No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1 New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion ; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1 All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2 This Constitution, and the laws of the United States which shall be made in pursuance thereof ; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the

land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3 The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.¹

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go: WASHINGTON—

Presidt. and Deputy from Virginia

New Hampshire

John Langdon

Nicholas Gilman

Wm. Paterson

Jona: Dayton

Pennsylvania

B. Franklin

Thomas Mifflin

Robt. Morris

Geo. Clymer

Thos. Fitzsimons

Jared Ingersoll

James Wilson

Gouv Morris

Massachusetts

Nathaniel Gorham

Rufus King

Connecticut

Wm. Saml. Johnson

Roger Sherman

New York

Alexander Hamilton

Delaware

Geo: Read

Gunning Bedford Jun

John Dickinson

Richard Bassett

Jaco: Broom

New Jersey

Wil: Livingston

David Brearley

¹ After the Constitution had been adopted by the Convention it was ratified by conventions held in each of the states.

Maryland

James McHenry
 Dan of St. Thos Jenifer
 Danl. Carroll

Virginia

John Blair —
 James Madison Jr.

North Carolina

Wm. Blount
 Richd. Dobbs Spaight
 Hu Williamson.

South Carolina

J. Rutledge,
 Charles Cotesworth Pinckney
 Charles Pinckney
 Pierce Butler.

Georgia

William Few
 Abr Baldwin

Attest

WILLIAM JACKSON Secretary.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I¹

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by

¹ The first ten Amendments were adopted in 1791.

oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger ; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb ; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI¹

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII²

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate;—The president of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

¹ Adopted in 1798.

² Adopted in 1804.

ARTICLE XIII¹

SECTION 1. 1 Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2 Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV²

1 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2 Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3 No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

4 The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

¹ Adopted in 1865.

² Adopted in 1868.

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

5 The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

¹ Adopted in 1870.

THE DECLARATION OF INDEPENDENCE — 1776

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. — Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offenses :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms : our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world

for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

<i>New Hampshire</i>	<i>New Jersey</i>	Charles Carroll of Carrollton.
Josiah Bartlett, ¹	Richd. Stockton,	
Wm. Whipple,	Jno. Witherspoon,	
Matthew Thornton.	Fras. Hopkinson,	
	John Hart,	<i>Virginia</i>
	Abra. Clark.	George Wythe,
		Richard Henry Lee,
		Th Jefferson,
		Benja. Harrison,
		Thos. Nelson, jr.,
		Francis Lightfoot Lee,
		Carter Braxton.
<i>Massachusetts Bay</i>	<i>Pennsylvania</i>	<i>North Carolina</i>
Saml. Adams,	Robt. Morris,	Wm. Hooper,
John Adams,	Benjamin Rush,	Joseph Hewes,
Robt. Treat Paine,	Benja. Franklin,	John Penn.
Elbridge Gerry.	John Morton,	
	Geo. Clymer,	
	Jas. Smith,	
	Geo. Taylor,	
	James Wilson,	
	Geo. Ross.	
<i>Rhode Island</i>	<i>Delaware</i>	<i>South Carolina</i>
Step. Hopkins,	Cæsar Rodney,	Edward Rutledge,
William Ellery.	Geo. Read,	Thos. Heyward, Junr.,
	Tho. M'Kean.	Thomas Lynch, Junr.,
		Arthur Middleton.
<i>Connecticut</i>		
Roger Sherman,		
Sam'l Huntington,		
Wm. Williams,		
Oliver Wolcott.		
<i>New York</i>	<i>Maryland</i>	<i>Georgia</i>
Wm. Floyd,	Samuel Chase,	Button Gwinnett,
Phil. Livingston,	Wm. Paca,	Lyman Hall,
Frans. Lewis,	Thos. Stone,	Geo. Walton.
Lewis Morris.		

¹ The signatures to the Declaration of Independence and to the Constitution are printed as signed.

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